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University of Texas Bulletin

No. 1824: April 25, 1918

EDUCATION IN TEXAS SOURCE MATERIALS

COMPILED BY
FREDERICK EBY

EDUCATION SERIES NO. 2



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The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Sam Houston.

Cultivated mind is the guardian genius of democracy. . . It is the only dictator that freemen acknowledge and the only security that freemen desire.

Mirabeau B. Lamar.



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To

WILLIAM SENECA SUTTON

Who for thirty-five years has labored unremittingly
for the advancement of education in this State

PREFACE

These source materials are here brought together to enable teachers and other students of Texas History to appreciate more fully the progress of education in this State. A wealth of educational documents and publications of various kinds is available in most periods, and a choice of necessity had to be made. It may be that in some instances better materials could have been selected, and it may be that in some few cases valuable source materials have been overlooked. However, a careful effort has been made to secure the best presentation of each phase of educational activity and opinion so that the student may form the most accurate judgment concerning educational sentiment and practice during each epoch.

It has been my desire in selecting materials to furnish a considerable variety in order to reveal most concretely the real educational spirit and atmosphere which existed during the numerous changes in popular sentiment. Legislative enactments and the formal official reports of the day sometimes fail to portray the actual conditions of education and the attitude of the people toward the schools. In any case these official reports are rather dry and lifeless. For this reason the observations and views of contemporary writers and critics have been frequently included.

My original purpose had been to bring these sources well up to our own day. However, as the work progressed, it became abundantly apparent that the volume would become entirely too bulky, if the latter decades were included. I decided, therefore, to limit the materials to the period prior to 1890. By that date all the fundamental features of our present educational system had become permanently established. The people of Texas had finally adopted the policy of a free public school system, including all grades from the primary to the University. Local taxation, and State, county and local supervision were recognized. Normal schools were established, and other provision made for the training of teachers. From that time there has been no serious interruption in the progress of education in the State. The only fundamental additions have been the adoption of compulsory attendance in 1915, and the recognition of the kindergarten as an integral factor in a public educational system in 1917.

Practically nothing concerning the University of Texas has been included in this volume. For such materials the student should have access to the admirably compiled and complete Source Book recently published by Dean H. Y. Benedict of the

University. To reproduce any of these materials would be a prodigal and needless labor.

The first reference has usually been the text followed. Serupulous care has been taken to furnish an exact copy. Even mistakes in spelling and punctuation have been reproduced, and the typographical form so far as possible.

Since going to press the University has secured several large boxes of papers collected by Dr. Ashbel Smith. This collection is rich in materials bearing on Texas education for over half a century. It is greatly to be regretted that many of these cannot be included here.

Special obligations must be acknowledged to several friends of Texas education who have lent suggestions and advice from time to time. Among these particular mention must be made of Mrs. Mattie Austin Hatcher, M.A., Archivist of the University of Texas, who assisted materially in assembling as well as in the selection and translation of documents in the Bexar Archives; and of Mr. Carlos E. Castañeda for the main task of translating the Spanish documents used in the text.

May the compiler express the hope that this volume will be instrumental in arousing interest in the past developments of education in the Lone Star State, and by directing attention to the past, lead to a more intensive and appreciative study of our present needs and problems.

FREDERICK EBY.

The University of Texas,
May 1, 1919.

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EDUCATION IN TEXAS

CHAPTER I

PERIOD OF SPANISH EDUCATION

The educational efforts of the Spaniards in Texas were directed to two distinct ends: the training of the savage native tribes in the fundamental habits of civilized life, and imparting the simpler elements of learning to the children of the small body of colonists and of the soldiers of the several garrisons. Nacogdoches and San Fernando de Bexar were the two settlements of any importance throughout the period. Through the years repeated efforts were put forth by the Governors, the *Ayuntamientos* and by private parties to establish schools and maintain them in continuous operation. But the conditions were very unfavorable. The sources offer a satisfactory basis to form a fairly adequate conception of what educational interest there was and the condition of the schools.

PART I.—TRAINING OF THE NATIVE TRIBES

The Spanish Regency in the New World undertook to train the native savages into the life habits of Christian civilization. This task was undertaken jointly by the civil and religious authorities. So far as Texas was concerned two objects were to be achieved. On the one hand they desired to train a body of soldiers which would form a defense against the threatened encroachments of the French in Louisiana; and, on the other hand, they expected to extend the domain of the church by converting the savage population. The Missions were thus designed to inculcate Christian habits of conduct and at the same time to implant skill in the common arts and crafts. The description which follows below is taken from the official report of Father Solis on his inspection of Mission Rosario in 1768. The regal order of 1816, quoting prior orders of the Spanish King as early as 1778 and 1782 is quite important in several points, though these orders were received too late to affect educational efforts in Texas.

REPORT ON MISSION ROSARIO

FATHER SOLIS

.....
The opinion which I have formed of this mission of Neustra Señora del Rosario is as follows: As to material wealth it is

in good condition. It has two droves of burros, about forty gentle horses, thirty gentle mules, twelve of them with harness, five thousand cattle, two hundred milch cows, and seven hundred sheep and goats. The buildings and the dwellings, both for the ministers and for the soldiers and the Indians, are good and sufficient. The stockade of thick and strong stakes which protects the mission from its enemies is very well made. The church is very decent. It is substantially built of wood, plastered inside with mud, and whitewashed with lime; and its roof of good beams and shingles looks like a dome. . . .

This mission was founded in 1754. Its minister, who, as I have already said, is Fr. Joseph Escovar, labors hard for its welfare, growth, and improvement. He treats the Indians with much love, charity and gentleness, employing methods soft, bland, and alluring. He makes them work, teaches them to pray, tries to teach them the catechism and to instruct them in the rudiments of our Holy Faith and in good manners. He aids and succors them as best he may in all their needs, corporal and spiritual, giving them food to eat and clothing to wear. In the afternoon before evening prayers, with a stroke of the bell, he assembles them, big and little, in the cemetery, has them say the prayers and the Christian doctrine, explains and tries to teach them the mysteries of our Holy Faith, exhorting them to keep the commandments of God and of Our Holy Mother Church, and setting forth what is necessary for salvation. . . .

(The Indians) are all barbarous, idle, and lazy; and although they are so greedy and gluttonous that they eat meat almost raw, parboiled, or half roasted and dripping with blood, yet rather than stay in the mission where the *padre* provides them everything needed to eat and wear, they prefer to suffer hunger, nakedness, and other necessities, in order to be at liberty and idle in the woods or on the beach, giving themselves up to all kinds of vice, especially lust, theft, and dancing.¹

¹Scelis, *Diario*, in *Memorias de Nueva Espana*, XXVII, 256-259. Quoted from Bolton, H. E., *The Founding of Mission Rosario*. In *Quarterly of the Texas State Historical Association*, Vol. X, 137-139.

LIST OF MISSIONS ESTABLISHED IN TEXAS

Year	Name of Mission
------	-----------------

EARLIEST EFFORT IN EAST TEXAS.

These were established in order to protect East Texas from the encroachments of the French, and were in the neighborhood of Nacogdoches. They were abandoned in 1693.

- | | |
|------|------------------------------|
| 1690 | San Francisco des los Tejas. |
| 1690 | Santisima Nombre de Maria. |

SECOND EFFORT IN EAST TEXAS.

Within reach of these six missions were some 4,000 to 5,000 Indians. This second effort was designed to be more permanent and a colony of Spaniards was attempted. Several of these missions were removed to San Antonio in 1731.

- | | |
|------|---|
| 1716 | San Francisco de los Neches. |
| 1716 | La Purisima Concepcion. |
| 1716 | Nuestra Señora de Guadalupe de los Nacogdoches. |
| 1716 | San Josef de los Nazones. |
| 1717 | San Miguel de los Adaes. |
| 1717 | Nuestra Señora de los Dolares de los Ais. |

MISSIONS AT SAN ANTONIO AND IN SOUTH TEXAS

- | | |
|------|---|
| 1718 | San Antonio de Valero (Alamo). |
| 1720 | San José de Aguayo. |
| 1722 | San Xavier de Nájera. |
| 1731 | Concepcion (removed from East Texas). |
| 1731 | San Fernando. |
| 1731 | San Francisco de la Espada (removed from East Texas). |
| 1731 | San Juan de Capistrano (removed from East Texas). |
| | Founded to convert Karankawa Indians. Moved in 1726 to the Guadalupe River, and in 1749 to Santo Dorotea (New Bahia). |
| 1722 | Espiritu Santo de Zuñiga. |

MISSIONS IN CENTRAL TEXAS

These were established on the road to the East Texas Missions near the present town of Rockdale.

- | | |
|---------|------------------------------|
| 1745 | San Francisco Xavier. |
| 1749 | Candalaria. |
| 1749 | San Ildefonso. |
| 1757-58 | Nuestra Señora de Guadalupe. |

SOUTH TEXAS.

1754 Nuestra Señora del Rosario de los Cujanes.

ON THE LOWER TRINITY RIVER

1756 Nuestra Señora de la Luz.

MISSIONS IN WEST TEXAS

1757-58 San Saba.

1762-66 Canadalaria.

1762-69 San Lorenzo.

SOUTH TEXAS

1791 Refugio (removed the same year some distance to the West).

In the year 1793 the more important missions were secularized, that is to say, the missions with their property were transferred from the Franciscan order to the regularly organized Catholic Church. The lands were parcelled out, each neophyte receiving a portion which he was henceforth to cultivate for himself. He now lived in his own house, and no longer stored in the common granery. Just how far this secularization extended at this time is not known, but all the missions were surrendered by 1825. The missions were from the start always intended merely to train the Indians to industrial and religious life as speedily as possible, and then they were to be followed by the setting up of regular civil communities in accordance with Spanish methods of colonization.

ROYAL ORDERS ESTABLISHING SCHOOLS IN
SPANISH AMERICA

Translated by Carlos E. Castañeda, assisted by Mrs.
Mattie Austin Hatcher.¹

Sor D. Estevan Varea, Secretary of the supreme council for the Indies with the official communication of the 20th of June last, incloses me the following royal dispatch.

The King—My *Real Audiencia of Charcas* in compliance with the instructions of my royl *cédula* of the 28th of January, 1778 regarding the establishment of schools in the Indian settlements to teach Spanish, has reported with due testimony by letter of

¹Unless otherwise mentioned all translations are to be credited to these two.

the 15th of August of the same year that the desired end has been accomplished in some of them through its efforts. It declares that since the *corregidor* of the province of Paria had no resources in his settlements to furnish the schools, nor the means with which to pay the other indispensable expenses, he proposes that the salary of the teachers and other expenses that may be necessary should be paid from the funds in the general treasury of the *censos* established in some of the settlements. This project was approved by other *corregidores* and several *curas* of that archbishopric. But the said *Audiencia* considering that the said funds are used for the benefit of the said Indians, has informed me, that I may decide whether, in default of this resource, the rents of the public funds in the settlements where they exist, as many do not have this fund, could be drawn upon for the said establishment of schools. While waiting my royal decision, it ordered the said *corregidor* of Paria to open schools in the principal settlements in which, if there should be arable land, he should set apart a sufficient tract to be planted and cultivated by the community, and in those settlements in which there is an abundance of stock, the Indians should contribute one, two, or three head of cattle once, according to their ability, so that, by taking care of them, a competent fund be created with the proceeds of which and that of the crops, the expenses of the schools could be paid. And my Council of the Indies having informed me of what their treasurer reported, and my financial agents recommended, I have determined that schools be established where they do not exist as ordered by law and statutes; that the parents be induced, by the gentlest means and without the use of coercion, to send their children to the said schools; that the payment of teachers be made; first, from the proceeds of the revenue where there is any, and the rest out of the public funds in agreement with the provisions made by law; that the *Presidentes* and *Audiencias* look after the election of efficient teachers and the assignment of their salaries according to the population and conditions of the settlements; and that the Very Reverend Archbishops, and Reverend Bishops cooperate to this end personally and by means of tactful suggestions to the fathers of families; and that they ask the priests

to persuade their parishioners with the greatest gentleness and affability, of the advantage and expediency of their children learning Spanish for their better instruction in the Christian doctrines and polite intercourse with all persons. Therefore, I command the *Presidentes* and *Audiencias* of my kingdoms of the Indies, and I request and charge the Very Reverend Archbishops, and Reverend Bishops of those dominions, that each on his part keep, observe, and execute this my royal resolution. Given in San Lorenzo el Real, the fifth of November, 1782—I, the King—By order of the King, our lord, Miguel de San Martin Cueto.

Later Don Tadeo Garate ex-deputy of the province of Puno, in his exposition of the 27th of July of last year, has made known the need of primary schools which exists in his province due to the failure to carry out the provisions for the founding of these useful establishments. For this reason, he has reported the great evils caused by the total ignorance in those, my dominions, and the physical impossibility of the Indians being able to acquire the necessary knowledge of the duties of man to God and to his fellowmen on account of the lack of education and the understanding of Spanish. In order to remedy these grave evils to religion and the state, caused by the absolute lack of instruction of those natives, he begs that I should be pleased to command that there should be established in each *Pueblo* one public school, or at least three or four in each province, recommending for the payment of teachers the public property of the Indians.

And my Council for the Indies having seen this petition with all antecedents on the matter, and aware of what their treasurer in view of them has reported concerning it, and my attorney general advised, I have determined that the inserted royal order be reenacted, urging again its strict observance. In consequence of which I command the viceroys, *Presidentes*, and *Audiencias*, and charge and urge the V. R. Archbishops and R. Bishops of my kingdoms of the Indies to keep, observe, and fulfill what is provided therein concerning the establishment of schools. For this purpose they should, in the settlements where there are religious communities, try to induce the individuals to take in-

terest in education, demonstrating the great benefit which will accrue to religion and the state, which will be very pleasing to me. And you will notify me of those who promote and dedicate themselves to such a worthy work, upon which depends, to a great extent, the tranquility and happiness of those dominions. Issued in the Palace, sixth of July, 1815—I, the King—By order of the King, our lord. Estevan Varea—signed with three rubrics.

And I transmit it to you for your intelligence and corresponding ends.

God keep you many years—Monterrey 21st of February 1816.
Joaquin de Arredondo [Rubric]

[Addressed:]

Governor of Texas.¹

His Excellency, the Viceroy of this Kingdom, under date of July the 10th last wrote me as follows:

“I enclose you a copy of the royal *cédula* of the 14th of November last in which His Majesty orders the creation and establishment of primary schools in all the *pueblos* in which they may be deemed suitable and necessary for the civilization of the Indians, in order that, by requiring the necessary information from the subdelegates in your district, you may render me a report, as soon as possible, relative to the primary schools already established under municipal support and their donations, and suggest measures which may be adopted for their greater possible perfection and public utility, as well as other circumstances—a similar report of the *pueblos* and localities where they do not exist, and where they may be needed—also, suggest the least burdensome resources that may be used for their early creation and establishment.

And I enclose the same to you together with a copy of the said royal *cédula*, for the fulfillment of its provisions and other purposes subsequent thereto.

God keep you many years. Monterrey, August 21, 1817.

Joaquin de Arredondo [Rubric]

[Addressed:]

Governor of Texas.¹

¹Original in the Bexar Archives.

PART II.—EDUCATION OF THE COLONISTS

The first Spanish school in Texas was conducted by Don José Francisco de la Mata in the year 1789 at San Antonio de Bexar. His contract called for six years service, but we do not know how long he continued. His petition for support is given below, and is an interesting statement of conditions. This with the other documents are evidence of numerous, albeit intermittent, efforts which were put forth to establish schools in Nacogdoches and San Fernando (San Antonio) during the Spanish Regency.

PETITION TO THE CABILDO

DON JOSE FRANCISCO DE LA MATA

Very Illustrious *Cabildo*.

[1] I, Don José Francisco de la Mata, native of the villa of Saltillo and a resident of the capital of Texas from the year [17]86 to the present date, must and do appear in all due form before you with the most respectful submission and say that I have been much grieved at heart upon seeing the ignorance in this community as to what is the law of God, a knowledge of those principles was lacking among the children of this villa[.] [I have also been much grieved at heart] to see the children, as is well known, running about as vagabonds engaged only in pernicious pursuits such as [playing with] arrows [and] ropes, [and spending their time] in childish games and other idle entertainments which lead only to perdition[.] They have no respect for the officials, [and] no reverence for the aged or the distinguished[.] This I know from personal experience since most of them did not even know how to make the sign of the cross[.] Moved by love for God, our Lord, I decided to open a school of my own free will, as I did, that I might gather them all and give them an education, and teach them their letters, attainments which are essential to the perfect state necessary for the service of our Divine Mother, and for the obedience and respect which they should have for their parents so that they may be, as they are at the present time, an example to this community[.] In view of all I have said and what I shall say it is indispensable that I appeal to your tribunal and legal court in order that my gathering of children may be maintained with

greater efficiency and zeal than heretofore attained by my teaching[.] You will, with due knowledge of the priest and vicar of this parish, kindly demand and insist that the said community, that is, the fathers and mothers of families, contribute a small sum annually for a fixed length of time[—]twelve *reales*[—] In this it seems to me I do them a great justice (subject to your approval in the matter) considering the present misery as well as all other circumstances [for example] they have not appreciated in any manner, the importance of my work and its benefit to their children[.] I have been satisfied with the said small recompense, in order to draw to my teaching as many children as there may be in this neighborhood[.] And since this small pittance is barely sufficient for my subsistence, I beg of your generous consideration that you do as I have said[—]this seems to me to be only just[.] At the same time [I beg that you will] authorize the establishment of my school in the name of his Majesty (may God keep him) so that the fathers and mothers of families when their children are subjected to such slight punishments as may be necessary shall not come, as they have come, into my presence to irritate me and insult me by words and threats, a thing which has been noticed even by their own children[.] Also [I beg that] they be not allowed to withdraw any child now included or who may be included in my flock, on account of the slight punishments which may be necessary to inflict on them; for, from this, results, as has been proven, the ruin of the children [and] of their parents, and continual inconveniences to judges, but principally it seriously grieves our great God and Lord as the Holy Fathers in their preachings and doctrines teach us[.] Therefore, I beg that the consideration of this, my representation, be with due knowledge and approval of the Governor, so that you may determine what may lead to the end I seek, and thus, to secure the rules that may be suitable for the management of my school—Therefore I beg and plead that you be kind enough to accept this as framed for the lack of better facilities[.]

José Francisco de la Mata [Rubric]

. Decree

Having seen and approved, and in consideration of what the applicant sets forth in the preceding document [i. e.] that the parents of children should pay twelve *reales* annually for each child they may have in school, and realizing that he is doing a work of charity, and that his petition is just and equitable, for it results in the welfare of the public; therefore justice shall be done to him as he requests[.] To this end we will ask on our part, that the *cura vicario* and ecclesiastical judge of this villa through his saintly admonitions, shall instruct the said parents in regard to the duty they have to see that their children do not fail to go to school, as well as to refrain from going to complain impudently to the teacher when their children are punished, with the understanding that they will bring upon themselves such punishment as may be fitting[.]. They have no right to take their children from school for such a childish reason as it is our duty to see that all children receive instruction[.] No other person can give this instruction since he has offered to maintain the said school for six years counting from this day to the summer of [17]95, obliging himself, as he has done, to be subject to the full rigor of the law if he fails to comply[.] All of which shall be placed in the hands of the governor that he may determine what in his superior judgment may be proper [.] We thus decree, command, and sign in this *sala capitular* in the exercise of our rights, and witness in the *villa* of San Fernando, and *Precidio* of San Antonio de Bexar on the first day of May, one thousand seven hundred and eighty-nine[.]

Ignacio Calbillo [Rubric]
 Julian de Rocha [Rubric]
 Jose Antonio Saucedo [Rubric]
 Marcos de Zepeda [Rubric]
 Angel Nabarro [Rubric]
 Joachin Flores [Rubric]
 Jn Felipe Flores [Rubric]
 Joaquin de Orendain [Rubric]

San Antonio de Bexar
 1°. de Mayo de 1789

I approve the preceding proposition made by Don José Francisco de la Mata[.]¹

¹Original in the Bexar Archives.

PROCLAMATION OF JUAN BAUTISTA ELGUEZABAL,
JANUARY 10, 1802

At this time Lieutenant Colonel, Elguezabal later served as Governor of Texas from 1803 to 1806.

.....
Art. 15. Likewise, the said judges shall encourage parents to send their children to school, compelling them to do so, [if necessary], by heavy penalties, since this measure is of the greatest importance both to religion and the state. It is pitiful to observe the indolence of the parents, who, through misguided affection, make themselves responsible in the sight of God for the ineptitude and bad conduct of their children.

Published the day of its date.

Witness Gabriel Gonzales.¹

ORDER TO THE CAPTAINS AND COMMANDERS

NEMESIO SALCEDO

Salcedo was the General Commandant of the Interior Province and as such exercised extensive authority.

Answered on the 12th of October, 1803.

Under the date of the 6th of April last, I communicated to the Captains and Commanders of the Company, who garrison this province the following orders:²

“The benefits which result from the establishment of primary schools requires all my attention to secure their establishment in the *presidios* and other military posts, where the number of troops and settlers is enough to provide a small salary for the individual who takes charge of such an important enterprise. With this purpose, I order that in fulfilling the duties of your office, you proceed at once to carry out the said establishment if there is none there and to perfect it in case it exists.

“Therefore, for this reason I charge you in case there is no school to take all necessary measures to encourage some settler who knows how to read and write to establish it, and, as none can do it with more ease and intelligence than the paymaster of the garrison, you must persuade this person to take

¹Original in the Bexar Archives.

²The original orders have not been found.

charge of so useful an enterprise. In addition to the salary which he already receives, it will afford him a new resource for his comfortable subsistence, for he can arrange the hours of instruction so that he will have enough time left daily for the performance of his other duties.

“The arrangement, which I have believed suitable for the establishment of said school is as follows:

“There must be provided for the master a house or at least a room, which should preferably be put within the *Presidio*, or wherever it is most convenient for the children.

“Each official, scargent, corporal, retired soldier or settler who has a child in school must pay two *reales* monthly to the master.

“In case the individual has two, he must pay for both five *pesos* annually.

“If he has three or more children whom he places in school he shall pay five *pesos* for the first two, as has already been said, with the addition of a *real* monthly for each one which exceeds this number.

“The payment of these sums must be executed monthly by you to prevent annoyance arising to the master by delay, and see that the amount which has been charged to the troops be taken from their salaries, and from the pay of retired soldiers and officers.

“With respect to the payment by citizens which the company ought not to bear, you must watch that it is paid to the master punctually, using your authority for this purpose.

“The teacher shall be exempt from guard duty, from care of horses, expeditions against enemies, and from all work and municipal duties to which the citizens of military post are subjected.

“There shall be given to him lands which he can cultivate, giving him a permanent title as assurance that they shall be without any tax or payment.

“You must watch with prudence and with corresponding consideration that all of the children of the troops and citizens who are not twelve years old attend school, trying with gentleness and good example to urge the parents to place them in school

for the benefit which results to them from a Christian education, and that the services which the children perform in their families may not be an obstacle to prevent them from attending school, make the hours of attendance in this way—two hours in the morning and two hours in the afternoon, since in this way they have sufficient time left for their other duties.

“The master should give special attention to instruct them in the Christian doctrine, and to teach them to read and write, and to instruct them in as much arithmetic as he can, with the understanding that he is obliged to teach the poor children, whose poverty prevents them from paying anything. For this reason, and, in order that when this class of individuals is ready to write, writing materials may not be lacking, I order that with the condition that they return what is written, that you give them the necessary paper which will be provided for by a charity fund.

“As my purpose is that the establishment of schools in the *presidios* be carried into effect promptly and efficiently, take this as your instructions, that in case there is one in that place under your charge you will examine the conditions in which it is, and having improved it as much as possible in agreement with this order, you will give me an account of everything for my guidance with the understanding that every six months you must inform me how you are advanced, sending me a copy of writing of each child.

“The first expense will be tables and benches, which with some other furnishings will amount to twenty *pesos*. Apportion what it costs among the officers and citizens of means; but in case the voluntary contributions which they make do not come to this amount, you must inform me of what is lacking in order to determine how it must be paid. Do not defer, on this account, the establishment of the school, which I particularly recommend officially.

“Having decided that these regulations be extended to the military posts of that province I advise you, keeping in mind all the points which it embraces, to issue orders in the matter, so that these same rules that I prescribe or with the variation which circumstances of said posts demand that the important estab-

lishment of schools be finally accomplished; reminding you that the cost of tables and benches which you need will be covered by the resources which I have pointed out in my above mentioned order. If they should not be sufficient, you will give me notice, indicating the means that you may think advisable to satisfy it; and also of all results in the matter.

God guard you many years.

Chi(hua)hua, 31st of August, 1803.

Nemesio Salcedo [Rubric]

Governor of Texas.¹

RESPONSE TO THE ORDER OF THE COMANDANTE GENERAL

JOSE JOAQUIN UGARTE

Informed of all that the general commandant has communicated to you in his order of the 31st of August last with regard to the establishment of schools in all the military posts of his command under the rules and regulations which he submits, I will exert myself, as far as it is in my power, to carry into effect the said instructions. But since the greater part of this jurisdiction is composed chiefly of ranches far removed from town, it is difficult to gather a sufficient number of children to insure the necessary regular income for the subsistence of the teacher because the number of children will not reach twenty. Nevertheless, I will carry out your instructions as I have said, and I will advise you as to the results in due time as you request in your letter inclosing the above mentioned order.

God keep you many years. Nacogdoches 1st. of November, 1803.

José Joaquin Ugarte [Rubric]

[Addressed:]

Lieut. Cor. Juan Bautista de Elguezabal.¹

REPORT OF SCHOOL EQUIPMENT

Note of what is in the school, to wit:

4 copy books.

¹Original in the Bexar Archives.

One lead inkstand with a sand box of the same metal.
One Ruler.
One Print of St. Joseph.
One Cross.
One Table.
One Cube with its Chaqual and all the primers and drawings of the children.

Note.

Missed: One pencil.
One old book of Lives of Saints.
One book of daily exercise.
2 Primers.
This February 1st, 1809.

Fernando de Santiago.¹

¹Found on the back of a report of the condition of the garrisons of Texas, Bexar Archives.¹

THE GOVERNOR'S ANNOUNCEMENT OF THE OPENING OF
THE SCHOOL IN SAN FERNANDO, 1809

MANUEL DE SALCEDO

Salcedo was made Governor of Texas in 1808.

Don Manuel de Salcedo, Lieutenant Colonel in the Royal Army, Political and Military Governor, in the name of His Majesty, of the Province of Texas, New Philipines, etc.,

Education has been one of the points which has most occupied my attention; and, although the impossibility of implanting the same in this capital has caused me great concern because of the evil consequences which ignorance carries in its wake, I have not ceased to make the most ardent efforts to secure so happy an end. The day has arrived, however, when my vigilance for the public good will be rewarded by enabling good parents to give their children, if not a complete education, at least instruction in the first letters and in the Christian faith, that the children may, thus, be the support of old age or of their widowed mothers.

In view of this fact, I make it known that next Monday, the eleventh of the present month, the public school will be opened

¹Cox, I. J., *Educational Efforts in San Fernando de Bexar*. In *Quarterly of the Texas State Historical Association*, Vol. VI, 51. The original cannot now be found.

in the house rented for this purpose, belonging to Lieut. Don Antonio Cadena [situated] on the main *plaza* in front of the garrison, the school to be in charge of the teacher, José Enrique Flóres, of whom good reports have been rendered, and under the direction and care of this government through its commissioner, Don Luis Galán, to whom all persons desiring to place children in school must apply, with the understanding that persons of means or wealth, will pay four reals a month, and the poor two reals for each child. The regulations regarding attendance and instruction shall be in the hands of the said Don Luis Galán for the inspection of those who wish to see them.

I call, therefore, on all parents and widowed mothers to avail themselves of the opportunity which, with much difficulty, I have secured for them; and to fulfill their obligations as Christians, assuring them of my continued cooperation to perfect the establishment, and I even flatter myself with the hope of securing one just like it for girls.

The teacher, or his assistant, will gather the children in the morning and afternoon and will take them back to their homes, in order to avoid what usually is noticed in other places as the result of sending them alone. The parents should try, as far as they are able, to see that the children be respectably dressed.

And, in order that it may come to the notice of all, it shall be published by proclamation, copies of the same being sent to those concerned therein.

Given in San Fernando de Bexar on the third of December, eighteen hundred and nine.

Manl. Delgado [Rubric]

Manuel de Salcedo [Rubric]

Anselmo Pereyra [Rubric]¹

SCHOOL PLANS AND BUILDING AT SAN ANTONIO

After the counter revolution a vigorous effort was made in 1811-12 by Sambrano and the *Junta* to establish a school at San Antonio. In the Bexar Archives there is a bulky series of documents concerning this plan, including the inventory of the building and its furnishings, and also the bills for lumber and labor. The prisoners of the jail were employed to do the building. Two of these documents are given here.

¹ Original in the Bexar Archives.

It has been thought that the deficiencies noted by the Committee which made the inventory are evidence of some rascality on the part of Travieso who had the contract for the building.

The *Junta de Gobierno* of the Province of Texas has issued the following proclamation to the citizens thereof.

With the greatest possible earnestness, the *Junta* has requested that, without exception, all the citizens of this place contribute as much as their means will allow for the establishment of a public primary school.

In general, all have shown their patriotism by their willingness to contribute, but as this obligation though moderate may become a burden to them, notwithstanding that it is directed to a meritorious cause, beneficial to all; and wishing to ameliorate the burden and make all those who have manifested their zeal for their country more prosperous, the *Junta de Gobierno* has decided to propose to the commandant general that out of the *mesteñas* fund of this province, the necessary amount be furnished annually for the maintenance of the said school; with the understanding that these citizens have provided by their subscriptions the necessary funds for one year. The corresponding list of subscriptions is to be placed in the hands of Manuel Barrera, who is charged with the collection thereof, in order that he may temporarily provide for the payment of Dn. Franco. Cacho, the appointed school master till the commandant general recommends a proper person for this position as he has been requested to do, and arranges for his payment out of the funds suggested, or any other which he may deem convenient. The *Junta de Gobierno* trusts that because of the great zeal, love, and patriotism of these citizens, they will promptly pay their subscriptions to the aforesaid Dn. Manuel Barrera, who will keep an exact and formal account of all the expenses that must be met. The parents must see that the children attend the said school and that they receive such secular and religious instruction as may be suited to their understanding, without causing any disturbance to, or questioning the conduct of the teacher on any account. The care and vigilance of his conduct devolves privately upon the judges, and on no account upon the parents who have no other obligation than

to place their children in the hands of the aforesaid teacher, that they may receive secular and religious instruction. This is the sole object of this *Junta de Gobierno* and all should cooperate to this end. And in order that it may be known to all and no one shall allege ignorance, it is ordered that it be published and posted in public places as customary, and that a copy be sent to the school master to be placed in the door of the school house in order that it may be better understood.

Given in San Fernando de Bexar on the 28th day of March in the year 1811.

Juan Manuel Sambrano,	Luciano Garcia
Precite.	Manuel Barrera
Miguel de Musquiez	Dn. Santiago Tixerina
D. Luis Galan, Ausente	Enfermo
Gavino Delgado	Antonio Saenz
Ygnacio Peses	Juan José Sambrano
Vicente Gortari	José Anto. Saucedo
Josef Erasmo Seguin	Secretary.

[A copy of the above proclamation was sent to the commandant general.]

REPLY OF THE COMMANDANT GENERAL

The establishment of a primary school by that *junta de gobierno* as communicated to me by your official letter No. 34 of April the 26th, is useful and expedient. Since, in order that it may accomplish the good results desired, it will be necessary that it be conducted by a well trained and able teacher he must be sought for diligently and with great care wherever he may be found. In the meantime, until he is secured, you will think over and propose to me the means you may judge to be the simplest and least burdensome for the payment of his salary with the understanding that I have approved the use of the *mesteñas* fund of that province for the following year only during which time a fund may be devised and determined upon. The expenses that have had to be met out of the *mesteñas* funds and others which must be made out of it to provide for the security of that province, as well as its meager income (all of

which is evident to you) prevent, for the present, its use for any other purposes.

God keep you many years. Chihuahua, May 21st, 1811.

Nemesio Salcedo [Rubric]

[Addressed:]

To the Provisional *Junta de Gobierno* of Texas.¹

PUBLIC SCHOOL

Account presented by Dn. Vicente Travieso of building materials and etc. of said school building.

SCHOOL

Having determined whether there be a worthy person to take charge of it, who meanwhile may instruct the youth, he shall be endowed with seventy places, of which five, of necessity, shall be free, and the rest paid for by those interested.

1. The aforesaid free places shall remain at the disposal of the one in charge of the school, who shall nominate the pupils to occupy them; taking care that they be given to poor individuals of discretion, who are known to be of good disposition.

2. The seventy places shall be divided into the *more able* and the *less able*, the first paying a dollar, and the second fifty cents each month. Although each pupil may be advanced in his classes, the method or order of his payment should not be altered in any other way than is by this assigned to him; for the end is to avoid large contributions from the poorer ones.

3. The salary for the maintenance of the teacher shall be placed at thirty dollars a month.

4. The collection of the fund shall be in charge of one of the *alcaldes*, who, with the aid of the ward commissioners, shall look after the attendance of the children at school, and (shall take care) that they be at least a month ahead in the salary of the teacher, in order that he may not lack subsistence, and that any surplus be turned into a general fund for the ordinary expenses of the school.

5. That one of the *regidores* be charged to visit the school at least once a day, in order to note the infringements of the rules

¹Original in the Bexar Archives.

that he may observe, and to apply the remedy that appears to him most opportune, as the case may demand.

That the books, paper, ink-stands, and copy-books be at the expense of those interested, as also the tables and seats, in addition to those which may be existing in the school house.

7. These are the points which we consider necessary for the useful establishment of this school, save those which may appear convenient to the superior authorities.

San Fernando de Bexar, 10 of June, 1812.

José Anto. Saucedo

Josef Erasmo Seguin¹

INVENTORY AND CONVEYANCE OF THE SCHOOL-HOUSE AND
OF THE FURNITURE IN IT, MADE BY DON YGNACIO
DE LOS SANTOS COY, TO HIS SUCCESSOR,
D. JOSE YGNACIO SANCHEZ CASTE-
LLANO, IN THE FOLLOWING
FORM:

First, a hall with platform, with two doors and one window; the key of one door being serviceable and the other broken, and the window without any lock.

A room adjoining the hall, with its interior door without lock, and one small window, with bars only.

A wooden cross.

Four tables, one of them smaller than the others.

Four benches, one of these from the previous school, and the three remaining of those which D. Vizente Travieso made.

Two rulers, one of them with two measures lacking from each side, and the other with three lacking.

A barrel for carrying water, with five iron hoops.

A hoop loosened from the above barrel.

A wooden gutter.

A rawhide rope.

A trough of rough wood.

Thirteen ABC lists, the greater part of them interleaved.

Note. In addition to the above, there exists, in process or repair, in possession of D. Manuel Yudo, a table, of this school;

¹Cox, I. J., *Educational Efforts in San Fernando de Bexar*. In *Quarterly of the Texas State Historical Association*, Vol. VI, 51-52.

and having nothing else to convey or receive, we sign this in this city of San Fernando de Bexar on the third of July, 1812.

Received

Ygno. de los Santos Coy José Ygnacio Sanchez Castellano¹

1812, MEMORIAL DE DON MIGUEL RAMOS DE ARISPE.

Arispe was deputy to Spain for Coahuila and Texas.

SECTION 13. PUBLIC EDUCATION.

Public education is one of the first duties of every enlightened government and only despots and tyrants countenance the ignorance of the people in order that they may more easily violate their rights. The location of these four interior provinces of the East, their system of local government, as well as the general policy of the Monarchy—so notoriously and protractedly lethargic—have unfortunately brought it about that no appropriate establishment of popular education is known in these unhappy provinces. Only in Saltillo, the principal town of the province of Coahuila, and in Monterey, the capital of the New Kingdom of Leon, is there a meagre fixed appropriation for the maintenance of a primary teacher. The larger garrisons and towns maintain, from the company funds and the voluntary contributions of some of the heads of families, some incompetent or unworthy persons who under the name of teacher, amuse themselves in teaching poorly the Christian doctrine, being usually incapable of imparting even the fundamentals of an ordinary public education. On the large estates, which employ a great number of servants, there is generally some little school, but I have observed more than one time the care which some masters take that the sons of the servants do not learn to write, due to the belief that should they attain this degree of instruction, they would seek a happier way of living and would avoid the oppressive servitude in which their parents have lived. Unfortunate youth of America! Is it possible that it is intended to deprive man of his most wonderful and natural ability, by keeping him in brutal ignorance in order to enslave him more easily?

.....
ESTABLISHMENTS FOR PUBLIC EDUCATION.

Section 30. In Section 13 I set forth the lamentable and

¹Cox, I. J., *Ibid.*, 50

shameful condition of public education in the interior provinces; nor could it be otherwise under the system of government that has prevailed until the present, or better, under the general misgovernment which they have had. It will suffice that Your Majesty adopt a new system analagous as far as possible to that which I have set forth, in order that decided improvements, in a matter which is of the greatest importance and the first obligation of an enlightened government, may follow. It is to be hoped that the *Junta Superior*, the assemblies of the provinces, the municipalities, and even the *consulado* will encourage in every way the establishment of schools and public academies, in order that those people may receive that which ought to be the foundation of their general happiness—education and enlightenment. The Reverend Bishop of that vast diocese, and the worthy priests, will, no doubt, co-operate in an object so compatible with their work, and Your Majesty, when it shall be possible for you, will promulgate a general system of public education which will enable the Spanish youth, in a short time, to attain that degree of splendor and brilliancy for which he is equipped by natural endowment. Under these convictions, I ask, in a word, that Your Majesty will please establish a Royal University in the Capital of the Bishopric, which institution, for the present, can be consolidated with the Collegiate Seminary until funds sufficient to establish it in a separate building have been raised. When the regulations are formulated, they should correspond, in as far as possible, to those of the College of Guadlaxara in New Galicia, and the teaching corps and the student body should enjoy the same privileges, rights, and favors as the said university.

The establishment of a Royal College in the town of Saltillo is also indispensable; its population together with the old town of San Esteban is more than 13,000 souls; its cool and healthful climate, the development of agriculture and the arts there, and the advantage of being able to secure a building which was erected next to the churce of San Juan Nepomiceno for this purpose, offer the greatest inducements for the establishment of a great institution which will always be under the protection of Your Majesty, and in which (all the sciences) can be taught.

Whether there are sufficient funds, should not be asked, nor should the government be detained by any other consideration. Let the power for establishing this school be granted, and leave to the provincial government and the inhabitants of these provinces its realization. So great has been their desire to enlighten themselves that they will make the greatest sacrifices to have at home an establishment in which they can attain this end, and thus parents may avoid the risk of sending their sons to Mexico and Guadlaxara where many remain, abandoning their families and thus depriving their native provinces of the fruits of their education, simply because there is not here any institution in which they may busy themselves on their return.¹

EDUCATIONAL AFFAIRS IN SAN ANTONIO AND LA BAHIA

MINUTES OF THE AYUNTAMIENTO

In the city of San Fernando de Bejar, on the ninth day of January, eighteen hundred seventeen, the councilmen D. Vicente Gortari, D. José Maria Escalera, D. Pedro Anto. Arebalo y Patricio de Tores y Santiago Seguin, *sindico procurador* met in ordinary *cabildo* in a house set apart for the capitular sessions, presided over by the first *alcalde*, D. Francisco Flores, and having taken their regular seats, it was agreed that the parents be asked with how much they could freely contribute to pay the school teacher at the present time for the education of the children. There being no other question under discussion, the session was closed, and we order that a testimony of this act be sent to the governor of this province, all of which we testify. Francisco Flores, Vicente Gortari, José Maria Escalera, Pedro Antonio Arebalo.

A faithful copy of the act passed this day by the *Cabildo* as registered in the book of the *ayuntamiento*, was made for the purposes therein stated.²

On the 10th day of April, eighteen hundred seventeen, D. Francisco Flores, first *alcalde*, D. José Manuel Grande, second *alcalde*, D. Vicente Gortari, D. José Maria Escalera, D. Pedro

¹Translated by Jefferson Rhea Spell. Original in the Bexar Archives.

²Original in the Bexar Archives.

Antonio Arebalo, D. Patricio de Torres, *regidores* elect, and D. Santiago Seguin, *sindico procurado* met in ordinary *cabildo* in the hall assigned for the purpose, and being seated in their regular places, an official communication from the school teacher was read. In this he complained that the parents withdrew their children from school without any reason, and placed them in private schools; while others fail to comply with the orders given them to send their children to school. After a mature investigation, it was agreed and resolved that the said parents should send their children to school regardless of all excuses under penalty of suffering the punishment which might be deemed just, and made to pay a fine of three dollars, leaving to the judgment of the governor what should be done as regards the children of the soldiers. There being no other question under discussion we order that the corresponding certified copy of this resolution be sent to the aforesaid governor of the province. In witness whereof, we subscribe with assistant witness, and give testimony thereof. rubric —, —, —,
 Assistant witness, José Antonio Saucedo, assistant witness, Francisco Arebalo.

A faithful copy of the act of the *cabildo* approved this day, was made for the purposes expressed therein, all of which we certify.

Francisco Flores, Vicente Gortari, Santiago Seguin.¹ [Rubric]

SCHOOL ESTABLISHED IN 1817

No. 184

Sor. Comandante General.

Complying with your superior orders in force in this government, and in order to afford the youth instruction in primary education and to teach them the sacred dogmas of our holy religion, I have arranged for and established a school under the supervision of D. José Nicolas Paez y Colomo, the only person that we have been able to find in this province to fill this important position. He has some qualifications for the discharge of his duties; and, notwithstanding that he lacks some education, he can fill the place better than any one else temporarily until a better one can be secured. To assure the permanence of

¹Original in the Bexar Archives.

this school and the continued attendance of the children, I have allowed him (the school master) the use of the confiscated house of Erasmo Seguin, agreeable to your wishes in the matter. This I transmit to you for your intelligence.

God, etc., Bexar, February 27, 1817.

[Addressed:]

Sor. Comandante General.

Briger. Dn. Joaquin de Arredonde.¹

EARLY SAN ANTONIO TEACHERS

1789-1793. José Francisco de la Mata.²

1803. José Francisco Ruiz.³

1809. Francisco Barrera.⁴

1809. José Enrique Flóres.⁵

1811. Franco. Cacho.⁶

1817. José Nicolas Paez y Colomo.⁷

FIRST EFFORT AT LA BAHIA (GOLIAD)

JUAN MANUEL SAMBRANO.

Sambrano had been *cura* in San Antonio and had distinguished himself in the counter revolution in 1811-12.

I have always deemed it one of the most important duties of my position to encourage primary education amongst the children of this *presidio*. I arranged, therefore, to call a meeting of the citizens and troops, and after having explained to them the benefits and advantages which accrue to society in general, as also the obligations which parents have towards their children, I assigned to each one of them a small contribution with which to pay the teacher who is to conduct the school, to all of which the people gladly consented.

I have established a school with 80 children under the direction of private, José Galan, who is to serve temporarily as

¹Original in the Bexar Archives.

²See page 10.

³*Quarterly Texas State Hist. Assoc.*, Vol VI, 29.

⁴*Ibid.*

⁵See page 16.

⁶See page 17.

⁷See page 24.

teacher because there is no one else in this place who can discharge these duties. All of which I communicate to you for your high approval.

God keep you many years. Bahia, October 4th 1818.

Juan Manuel Sambrano [Rubric].

[Addressed:]

Señor Coronel Antonio Martinez.¹

SCHOOL REPORTS REQUIRED

On July the 12th of last year, I remitted to your predecessor a blank form for the reports which the *ayuntamientos* of the *pueblos* of that province should have returned through you, relative to the state of education among the youth. The superior government considers this matter of prime importance since it is the base upon which the glory and prosperity of the empire rest. And, since up to the present time I have not received this information, I advise you of the fact that you may order its fulfillment, urging the corporations of your district to exert themselves in this important matter in consequence of the superior order which His Excellency, the Captain-General of these provinces, has addressed to me under date of December 20th ult., asking for the remittance of reports of this kind from the province of Coahuila—a copy of which order I inclose you.

Gaspar Lopez [Rubric]

To the Governor of Texas.²

¹Original in the Bexar Archives.

²Of unknown date; probably about 1821. Original in the Bexar Archives.

CHAPTER II

THE MEXICAN PERIOD

Spanish control over Mexico was ultimately thrown off in 1821, a confederacy of States was established, and among the others Coahuila and Texas formed a single State. As an integral part of Mexico, Texas fell under the jurisdiction of the Federal Constitution, and was directly affected by the general educational policies and traditions of the Republic. As education was, however, a State function, various laws and orders were passed by the government looking to the establishment of a system of schools throughout the various departments of the State. Schools were formed and carried on in several settlements for the Mexican population. From the sources available we are able to trace fairly well the interest in education and the plans which were actually put into operation.

The birth-year of the Mexican government also marked the permanent entrance of the Anglo-American colonists into Texas.

It was to be expected that these settlers would immediately plan to train their children according to their own conceptions of education. As their views and efforts were the real foundation of our present system of education the materials of this section of the work have an exceptional interest for students.

PART I—MEXICAN INTEREST IN EDUCATION

CONSTITUTIVE ACTS OF THE MEXICAN FEDERATION

21 OF JANUARY, 1824.

.....
Art. 50. The exclusive powers possessed by the General Congress are the following, viz:

1. To promote instruction by securing for a limited time to authors the exclusive privilege to their works; by establishing colleges for the Marine, Artillery and Engineer Departments; by erecting one or more establishments, for the teaching of the natural and exact sciences, the political and moral sciences, the useful arts and languages; without prejudice to the rights which the states possess, to regulate the public education in their respective states.¹

.....
¹Gammel's *Laws of Texas*, Vol. 1, (78).

REPORT

Made by the Secretary of State of Foreign Affairs, and of the Home Department, to the Sovereign Constituent Congress, on the business committed to his charge. Read in the Session of the 8th November, 1823.

.....

PUBLIC INSTRUCTION

Without education, liberty cannot exist; and the more diffused is the first, so much the more solidly cemented will be the latter; the intimate conviction of this truth induced the government in the midst of all its pecuniary difficulties to foster the establishments, destined for this important object, by every means in its power.

PRIMARY SCHOOLS

The constitution entrusted the care of these to the city councils, which, for want of funds, have not been able to give them that perfect organization, of which they are susceptible. There are many places where there are no primary schools, and in others, they are almost useless from the incapacity of the masters, arising from the lowness of the salaries, and almost everywhere is remarked, a culpable neglect on the part of the fathers, who forget the obligation imposed upon them by society and religion, to give their children a christian education. The government has encouraged a society founded in this capital, by some individuals zealous for the public good, for the purpose of establishing the system of mutual instruction, which has made such rapid progress in Great Britain, in the greatest part of Europe, and in the United States. With this object, a school has been established in a convent, capable of containing one thousand six hundred children, who will be taught, not only the first rudiments, but other branches of literature by the same method. Government would wish that on the model of this society, and in imitation of it, others may be established, and be in correspondance with it, so as to procure those succours which

can be furnished by an establishment already formed, and which are less scarce in this capital, than in other cities of our territory.

COLLEGES AND PUBLIC LIBRARIES

There exists, as in other provinces, several establishments of public instruction, universities, colleges, academies, libraries, and other institutions for this object; but the same facts related, with regard to the charitable establishments, in a greater degree have affected these. The government has appointed a committee, composed of enlightened men, to examine the reports which have been demanded, and some of which have been received, upon the state of these establishments. This will enable government to adapt proper measures for their amelioration.

.....

Mexico, November 1st, 1823.

Third year of Independence, and Second of Liberty.

Lucas Alaman.¹

CONSTITUTION OF THE STATE OF COAHUILA AND TEXAS

PRELIMINARY PROVISIONS

.....

Art. 1. The State of Coahuila and Texas is the union of all the *Coahuiltexanos*.

Art. 2. It is free, and independent of the other Mexican United States, and of every other power and dominion whatsoever.

.....

Art. 9. The Roman Catholic Apostolic Religion shall be the religion of the state. The state protects it by wise and just laws, and prohibits the exercise of any other.

.....

Art. 12. The state is also obligated to protect all its inhabitants in the exercise of the right which they possess of writing, printing and freely publishing their sentiments and political

¹Poinsett, J. R., *Notes on Mexico*, 324-325. Poinsett was United States Minister to Mexico for some years.

opinions, without the necessity of any examination, or critical review previous to their publication.....

.....

TITLE VI

SOLE SECTION

Public Education.

Art. 215. In all the towns of the State a suitable number of primary schools shall be established, wherein shall be taught reading, writing, arithmetic, the catechism of the Christian religion, a brief and simple explanation of this constitution, and that of the republic, the rights and duties of man in society, and whatever else may conduce the better education of youth.

Art. 216. The Seminaries most required for affording the public the means of instruction in the sciences, and arts useful to the state; and wherein, the aforementioned constitutions shall be fully explained, shall be established in suitable places, and in proportion as circumstances go on permitting.

Art. 217. The method of teaching shall be uniform throughout the state, and with this view, also to facilitate the same, congress shall form a general plan of public education, and regulate by means of statutes and laws all that pertains to this most important object.

.....

Given in Saltillo, on the 11th of March, 1827.¹

REGULATIONS FOR THE ECONOMIC AND POLITICAL GOVERNMENT OF THE FREE STATE OF COAHUILA AND TEXAS

The Governor of the State of Coahuila and Texas to all its inhabitants: Know Ye, that the Congress of said state have decreed as follows.

Decree No. 37. The Constitutional Congress of the free, independent and sovereign state of Coahuila and Texas have enacted the following

¹Laws and Decrees of the State of Texas, 1839, 313-314; 341-342; Gammel's Laws of Texas, Vol. I, 1. (423-424; 451-452).

REGULATIONS

FOR THE ECONOMIC AND POLITICAL GOVERNMENT OF THE SAID STATE

.....
Art. 120. The ayuntamiento shall take charge of the administration and regulation of hospitals, poor houses, institutions of learning, and other establishments of a literary, scientific or benevolent nature that are supported by the public funds, and in those that are established by individuals they shall see that nothing contrary to the law is permitted.

.....
Art. 122. It is their particular duty to establish primary schools in all the villages or settlements of the jurisdiction, and see that everything shall be taught in them prescribed by the 215th article¹ of the constitution, and for this purpose they shall designate, of themselves and with the knowledge of the chief of the department, the means of raising the necessary funds to establish them in places that for want of such funds cannot have them immediately, and propose the same to the government for its determination on the subject.

.....
Art. 129. They shall appoint a committee from their own body to visit such schools weekly, and they will inform the government every six months as to the state of said schools, stating the aid that is needed for them, and the mode of remedying the embarassments to their advancement, when such embarassments cannot be removed by the sole authority of the ayuntamiento.

.....
Art. 130. They will excite, by every means in their power, the fathers of families to send their children to school, and they will see that the curates exhort their parishoners to this effect.

Art. 131. The funds and capitals of schools must be secured and their rents attended to to the satisfaction of the ayuntamientos and on their responsibility.

.....
Dated in Saltillo on June 13, 1827.—Francisco Gutierrez,

¹See page 30.

president.—Santiago del Valle, diputado secretario.—Mariano Varela, diputado secretario.

Wherefore I command that it be printed, published and circulated and duly fulfilled. Saltillo, June 15, 1827.

Ignacio de Arizpe,
Juan Antonio Padilla, Secretario.¹

DECREE (NO. 22.)
CONTRACT WITH THE GOVERNMENT OF THE STATE FOR THE
COLONIZATION OF FIVE HUNDRED FAMILIES

A similar contract was made with DeWitt April 15, 1825. See Empresario Contracts (M S), 27-31. General Land Office, Austin.

Executive Department of the State of Coahuila and Texas.

.....
Art. 8. The official communications with the government, and with the authorities of the state, instruments, and other public acts, must be written in the Spanish language, and when new towns are formed he* shall promote the establishment of schools in the Spanish language, in such towns.

.....
God and Liberty. Saltillo, 27th of April, 1825.

RAFAEL GONZALES, Governor of the State.
To Citizen STEPHEN F. AUSTIN.²

INSTRUCTIONS TO THE COMMISSIONER APPOINTED BY THE
LEGISLATURE OF THE STATE

Executive Department of the State of Coahuila and Texas

Instructions by which the commissioner shall be governed in

¹Barker, Eugene C., *Minutes of the Ayuntamiento of San Felipe de Austin, 1828-1832.* In *Southwestern Hist. Quart.*, Vol. 21, 299-326.

"This decree is omitted from the official publication of the Laws of Coahuila and Texas, but there is a Spanish copy in the Austin Papers at the University of Texas, and a translation by Stephen F. Austin in the Texas Gazette, Nos. 3, 4, and 5, October 13, 24, and 31." 1829.

²Gammel's *Laws of Texas*, Vol. 1, (48).

*The empresario.

the partition of lands to the new colonists, who may establish themselves in the state, in conformity with the colonization law of the 24th March, 1825.

.....

Art. 13. The block situated on the east side of the principal square shall be destined for the church, curate's house, and other ecclesiastical buildings. The block on the west side of said square shall be designated for public buildings of the municipality. In some other suitable situation a block shall be designated for a market square, another for a jail and house of correction, another for a school and other edifices for public instruction, and another beyond the limits of the town for a burial ground.

A copy, Saltillo, September 4th, 1827.

A copy, Juan Antonio Padilla, Secretary of State.¹

DECREE NO. 92

The Congress of the State of Coahuila and Texas has thought proper to decree:

Art. 1. A school of mutual instruction,² on the Lancastrian plan shall be established in each department of the state.

Art. 2. Each of the said schools shall be situated in the respective capital of the department.

Art. 3. The teachers shall be engaged for three years, on solicitation of the executive, who, to admit them, shall be satisfied of their veracity, qualifications and general merit.

Art. 4. Each teacher shall take charge of the department that falls to his lot, and each shall receive eight hundred dollars per annum, payable monthly in advance.

Art. 5. Said establishments shall be composed of one hundred and fifty pupils each, and when they exceed this number, the teacher may request an increase of salary, drawing up a

¹Gammel's *Laws of Texas*, Vol. 1, (57).

²The system of Monitorial or Mutual instruction was invented by Dr. Andrew Bell who found the basic practices in India. He introduced it into England about the beginning of the last century. It was taken up and extended by Joseph Lancaster who brought the system to America where it exercised important influences during the first quarter of the century. A son-in-law of Lancaster may have disseminated the plan in Mexico.

petition containing information on the part of the Ayuntamiento, which, through the channel of the executive shall be presented to congress for their resolution.

Art. 6. The three teachers together shall form a set of regulations, to govern the schools, which being completed they shall present to the executive for his approbation; and when this is obtained the original shall be deposited in the archives, and a sufficient number of copies printed to be circulated to all the authorities of the state.

Art. 7. The teachers shall instruct the pupils in reading, writing, arithmetic, the dogma of the Catholic Religion, and all Aekermann's catechisms of arts and sciences.

Art. 8. The Ayuntamientos shall ascertain what children of the municipality are unable to pay, and whose parents wish to send them to school, but do not for want of means.

Art. 9. From among the said poor children the Ayuntamiento shall take from one to five by lot, and send them to the establishment to be sustained by the municipal funds: where there are none such, a voluntary subscription shall be raised for that object; in either case one shall be sent without fail, to be taken always by lot. Said children shall be received gratis in the school, being furnished by the state with what articles they need for their instruction.

Art. 10. Also the children of those citizens in the department of Texas, who contributed to establish the present school fund of the capital, shall be admitted gratis, provided they continue paying the quota they agreed.

Art. 11. The Ayuntamientos shall require citizens, who have the means, to send their children to the establishments, and with those who are obstinate in complying, whether from vicinity, negligence, or apathy, they shall take such measures as they consider to be just.

Art. 12. To support the expense to be defrayed a fund shall be created in the capital of each department, to be under the charge of the respective Ayuntamiento, with power to appoint a depository from within or without their own board.

Art. 13. Said fund shall consist of the present school funds of the capital towns, to which shall be added the legacies in-

tended for this object, the municipal quotas assigned, and the product of pay pupils in the respective school.

Art. 14. Parents who are able, shall pay for each of their children fourteen dollars per annum, while learning the first rudiments, until they commence to write, and eighteen dollars the rest of the time until they leave the establishment.

Art. 15. The Ayuntamiento shall be vigilant, that the collection of the sums assigned to this fund be exact, permitting no delay; and taking care that the parcels paid in be entered in a book that shall be formed in each capital for keeping the account of its respective establishment.

Art. 16. The special fund of each department shall be used in paying the teacher, house rent, market, and repair of school furniture, the amounts thus paid out to be proved by the teachers' receipts authenticated by the certificate of the *sindico procurador* and the order of the *Alealde*.

Art. 17. When the fund of an establishment has not the means of promptly meeting any expense it shall be assisted by the funds of the municipality to be restored and should even these be exhausted, application shall be made for the aid of funds, to be restored, to the chief agents of the state rents, who shall supply what is necessary after the proper document is authenticated by the Ayuntamiento.

Art. 18. Each pupil educated in the establishment, on leaving, shall pay to the respective Ayuntamiento the sum of ten dollars, to be called gratitude money, and with this a separate fund shall be formed, to be used to reward the teacher, with the understanding that it shall not be delivered him until the conclusion of his contract, he being required to keep an exact account of the amount of said funds paid in, to correspond with that which shall be kept by the Ayuntamiento.

Art. 19. The accounts of these funds shall be rendered to the Executive at the close of each financial year, and shall be made out agreeably to the accompanying form.

Art. 20. The Executive shall endeavor that this law have its full effect as soon as possible, and to establish the schools, he may dispose of the state rents to the amount of two thousand dollars, under the most strict account of the disposition thereof,

which shall be no other than the purchase of all the furniture, slates and books, required for carrying into effect the object of this decree.

Department of ———— Lancastrian School.

Account of funds paid in, and out of said institution during the financial year, commencing on the first of September, and ending on the day of the date.

Paid In.

Funds pertaining to the School of this city.	000 0 0)	
Charitable fund of ————, dedicated to the instruction of youth	.....000 0 0)	
Product of municipal quotas, dedicated to School funds	.....000 0 0)	
Balance on hand the close of the year preceding	.....000 0 0)	1408 0 0
By four children during one year at 14 dollars	.....560 0 0)	
Ten children, six months at \$14.	.....070 0 0)	
Five children, three months at \$14.	.....014 4 0)	
Twenty-eight children, one year at \$18.	.....504 0 0)	
Nineteen children, nine months at \$18.	.....256 4 0)	

Paid Out.

To the Teacher according to documents Nos. 1 and 2	.....800 0 0)	
For house rent, document No. 3.	.....160 0 0)	1250 0 0
For slates, tables, benches, paper, etc., according to documents, Nos. 4, 5, etc.	.....300 0 0)	

Balance on hand 300 0 0

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 13th of May, 1829.

The same Signers.¹

¹Gammel's *Laws of Texas*, Vol. 1, (237-240);

Laws and Decrees of the State of Coahuila and Texas, 1839, 127-130.

DECREE NO. 129

The Congress of the State of Coahuila and Texas, in view of the obstacles that have arisen for strictly fulfilling the decree No. 92, has thought proper to decree as follows:

Art. 1. Until the Lancastrian schools, mentioned in Decree No. 92, can be established in the state, the executive shall cause six public primary schools to be established on the basis designated in said law, and with the following modifications:

Art. 2. The six schools shall be distributed in the three departments, the executive endeavoring to have them established in places, the most central, and such as require this aid.

Art. 3. The pay of the teachers shall be five hundred dollars per annum.

Art. 4. In said establishments the amount given by the pupils as gratitude money shall be reduced to six dollars.

Art. 5. The Ayuntamientos of the towns wherein the schools are established shall discharge the duties prescribed in said decree to the Ayuntamientos of the department capitals.

Art. 6. The directors shall forward to the executive yearly, on the month of November, a set of samples of all the pupils of their establishment, which shall serve for estimating their progress; said specimens shall be passed to congress, accompanying the report, with a note expressing the state of the school with regard to education, and manifesting the obstacles that impede its progress.

For its fulfillment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 13th of April, 1830.
(The same Signers)¹

DECREE NO. 144

The Congress of the State of Coahuila and Texas has thought proper to decree:

Art. 1. The executive shall direct that three silver medals, of 1st, 2nd and 3rd classes be ordered to be made, to be paid

¹Gammel's *Laws of Texas*, Vol. 1, (258);

Laws and Decrees of the State of Coahuila and Texas, 1839, 148.

for out of the municipal funds of each Ayuntamiento, or the funds of the State, to be restored, and that the national ensign be engraved on the said medals, encircled with the following inscription: *Reward of virtue and application*—to serve on days of public school visits as a mark of distinction for the pupils most deserving in the respective schools. The medals shall be attached to blue bands, with a rosette at the extremity; upon the band of the first the aforesaid motto shall be embroidered with gold, upon that of the second, with silver thread; and that of the third shall be plain.

Art. 2. The executive shall order that out of the funds of the state, also to be restored, a sufficient number of Fleuris Castillian grammar, orthography and catechism be re-printed, to be distributed as prizes among the pupils, who excell in virtue and application.

Art. 3. The respective Ayuntamientos shall distribute the aforementioned prizes and tokens of distinction with the concurrent opinion of the teacher, on days of examination, and only in school under their inspection, supported by public funds; carefully avoiding all partiality. The medals shall remain in charge of the teacher, to be used only for the aforementioned object.

For its fulfillment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th of April, 1830.¹

DECREE NO. 229

The Congress of the State of Coahuila and Texas has thought proper to decree:

.....

Art. 22. In all capital towns or districts, whose funds are sufficient for that purpose primary schools shall be established within six months at furthest, wherein besides the objects specified in article 215 of the constitution, the elements of geography shall be taught, and lessons given, moral and political,

¹Gammel's *Laws of Texas*, Vol. 1, (267);
Laws and Decrees of the State of Coahuila and Texas, 1839, 157.

and on good breeding. With this object the Ayuntamientos. with the concurrence of the district chief shall designate a building as large as can be obtained for purposes of instruction and the residence of the teacher.

Art. 23. The executive shall take care that said schools be established in the other towns as early as possible, and in the manner found to be practicable.

Art. 24. Besides the private revenue there may have been established for the support thereof, one-half the annual product of the municipal funds of the respective towns until said product reaches to two thousand dollars shall be appropriated to the same object.

Art. 25. By article 15 of the constitution all kinds of vacant property belong to the state; and whatever country and town securities have been kept in a state of sequestration and deposit over thirty years, and still so continue without being known to have a determinate owner, the same are hereby declared to be vacant property.

Art. 26. Said property shall be alienated agreeably to the rules and conditions prescribed by this law. The revenue they yield shall be collected annually by the chief agents of rents, of the towns within whose jurisdiction the property is situated, and appropriated to the support of schools, whose funds agreeably to article 22, are not sufficient for that object.

.....

Art. 32. In all department and district capitals juntas shall be created, to be styled Juntas for the support of public education.

Art. 33. Said juntas shall be composed of the respective police chief, who shall be president thereof, of the parish curate, and one of the resident citizens of the place, whom, on nomination of said junta, the executive shall appoint every year, and whom, for the first time, he shall appoint of his own judgment.

Art. 34. All that concerns the education of youth within the precincts of the district, shall be under charge of said juntas, and for attending to their object in towns where they do not reside, the *alcaldes* and curates of said towns shall correspond with them as associates.

Art. 35. In puruance thereof they shall take special care that the funds destined to the support of schools be used expressly for that object, and that they be not separated therefrom from any cause whatever; they shall also use their efforts to have parents send their children to school.

Art. 36. They shall provide the schools under their inspection with useful teachers, and well qualified, whose conduct as regards the faithful discharge of their duties they shall carefully observe, taking strict care they do not render useless by their example the lessons it is their duty to give on morality and good breeding.

Art. 37. They shall determine on those who, on account of being poor, ought to be assisted with the necessary books and paper; and of those who manifestly can conveniently pay, they shall collect the value thereof, also a moderate tax not exceeding twelve dollars per annum, which whatever it is shall be paid into the school funds.

Art. 38. They shall propose means to the executive for augmenting said funds, which shall serve to multiply the different branches of education; and they shall have charge of the direction and financial administration of the schools for public education.

Art. 39. The provisions and measures of said juntas shall be promptly and efficiently supported by the Ayuntamientos under the most strict responsibility.

Monclova, 27th of April, 1833.¹

J. M. de Veramendi.

DECREE NO. 244

The Congress of the State of Coahuila and Texas has thought proper to decree:

Art. 1. The proceeds resulting from grounds for building spots, and lots that have been, and shall be granted in the departments of Monclova and Bexar shall be annexed to the municipal funds of the respective towns.

Art. 2. In the department of Bexar, said sums shall be appropriated exclusively for a teachers fund, of primary schools,

¹Gammel's *Laws of Texas*, Vol. 1 (323-327);

Laws and Decrees of the State of Coahuila and Texas, 1839, 213-216.

which shall be established in conformity to the law on the subject.

For its fulfillment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Monclova, on the 8th of May, 1833.¹

J. M. de Veramendi.

DOCUMENTS RELATING TO THE SCHOOL AT NACOGDOCHES

The Spanish school at Nacogdoches was established in 1831 and continued to live a rather feeble existence as late as December, 1835. The land grant in 1833 for the school in this place is quite worthy of note.

PADRE DIAZ TO CORDOVA

Oct. 4, 1830.

Citizen Alcalde Vicente Cordova.

Dear Sir and Friend: I desire an answer to my letter of day before yesterday concerning the school, for Mr. Tomas de la Garza's guidance in the matter, in order that he may not be undecided, as today it seems to me the proper thing for him to make up his mind, without further delay, in regard to my offer. I appreciate the fact that you are very busy, but you must pardon me this trouble, as I was unable to prevent it on account of circumstances.

Your attentive and humble servant,
Father Diaz [Rubric]

(Addressed)

To the Citizen Alcalde
Vicente Cordova,
Present.²

¹Gammel's *Laws of Texas*, Vol. 1, (336);

Laws and Decrees of the State of Coahuila and Texas, 1839, 226.

²Translated by Katherine Elliott, Archivist of the Texas State Library. Original among the Nacogdoches Papers.

MUSQUIZ TO THE AYUNTAMIENTO OF NACOGDOCHES

RAMON MUSQUIZ

Musquiz was the political chief at San Antonio for some years and in 1835 became vice-governor.

Government of the Department of Bejar.

Under the present date I communicate the following to the President of the Board of Piety which is established in your town:

“One of the most commendable objects which have frequently claimed the attention of this government with respect to your town has been the matter of encouraging the *Ayuntamiento* in the most effective manner, in order that by all possible means and by surmounting all difficulties which might be presented to them, they should initiate the important establishment of a primary school. In the three years during which they have repeated the orders, they have been displeased at not being able to succeed, and when they attempted to dictate new measures in regard to this, they have received with the greatest satisfaction the courteous communication contained in your official letter of the eighteenth of last January, in which you, as President of your worthy Board, inform them of its installation, and state that one of the two great objects of the labors which you propose to perform will be to devise means for supplying the youth of that Frontier with an education in conformity with the enlightenment of the age and with the liberal system adopted by the Nation. Of no less worthy consideration is the other object; namely, the erection of a new church. A commodious and fitting place for all the acts of worship instituted by the Divine Savior is urgently needed, particularly in a town in which, on account of its location and the presence of foreigners, it is necessary to give an edifying example in order to keep intact the sublime and true religion which happily we profess. Falling in with the desires of your worthy Board to submit its installation for the approval of the Honorable Congress of the State, that its acts may have the proper legal character, they have given account of everything to his Excellency, the Governor of the State, with the

recommendation which this matter justly demands. I hope very soon to have the pleasure of communicating a favorable outcome to you. Today I am glad to state that this government approves entirely the wise plan of forming and installing the Board over which you preside, as well as the project of raising voluntary subscriptions, to establish the two beneficent institutions which have given merit to your labors and which will immortalize your memory through the great good to be derived therefrom. I hereby have the honor to reply duly to your afore-mentioned communication, and to assure yourself and the members of the Board of my distinguished consideration."¹

I transmit this to you for your information, in reply to your official communication of the eighteenth of last January relative to the same matter, together with which you sent me the original communication made to you, bringing to your knowledge the installation of the Board by means of the official act of which the record was enclosed, and the subscriptions obtained for the objects of the Board's institution. Nothing further occurs to me concerning this matter, except the fact that, in order that the school may be permanent and may possess available funds for the payment of the teacher and for other necessary items of expense, it will be very well for you to agree with the Board concerning the means to be employed, acting in accordance with the provisions of Article 128 of Law No. 37 of June 13, 1827. God and Liberty. Bejar, February 16, 1831.

Ramón Musquiz [Rubric]

To the Honorable *Ayuntamiento* of
the Town of Nacogdoches.²

CIRCULAR

THE Board of Piety of Nacogdoches, to the Settlers of this Frontier.³

¹A copy of the original of this quotation is in the Bexar Archives dated Feb. 16, 1831. It is listed with several other papers bearing on the Board of Piety under date of January 19, 1831.

²Translated by Katherine Elliott. Original among the Nacogdoches Papers.

³As will be seen by the previous letter, the Board of Piety was organized in January, 1831. The exact date of organization was January 16, 1831.

Fellow-Citizens: A happy event of the most imperious, exquisite and irresistible circumstances, is, the necessity of two Establishments of piety usefull and necessary; the idea was brought forth by an assembly under the denomination herein mentioned.

A Church intended to celebrate and worship the Gospel agreeable to the Roman Catholic Religion which is professed by the Mexican Nation, and a primary School for the Education of the youth of this Circuit, they are both great and exclusive objects which the Junta expects to promote and raise by every legal, lawful and honorable means in their power, they are assured of the benefit of the undertaking, for the same reason obstacles will not produce any change in the scheme they have adopted, nor will they turn their back to a business they undertook with so much warmth. Conscious of the usefulness of the objects they have proposed to erect, they expect the approbation of the Supreme authorities of the State, being aided with the immediate co-operation of your talents and patriotism by a gift voluntarily subscribed, to the amount your generosity will dictate, which may consist of either money, produce, personal labour, or any other article which may be converted into value, or else in the material work in both buildings.

The building of a Church is of the greatest necessity for a christian an religious people. To maintain a School for the education of children is of absolute necessity in civilized society attended by any form of government whatever. If eliments (elements) constitute a man in his nature, religion and education insinuates moral principles in him.

With less means some greater and more important undertakings than this which now occupies the Junta, have been undertaken and finished: Why should we not see the fulfillment of our wishes, if we calculate upon your efficacy in contributing with a small portion of your wealth for so valuable purposes? A stone is formed by the adherance of sand collected in one spot, and a hill is formed only by the accumulation of stones, dirt and sand of all kinds and sizes. If you wish to have a Church where to attend the functions of the Holy Sacraments of the Christian Religion which we profess—if you wish to have

a School where to send your children to receive education and acquire the principles of Religion and natural morality, make the sacrifice of a small portion of your interists, and deposit the same in the hands of the Treasurer appointed for the purpose; subscribe to the amount you think proper for so important an object, and be persuaded the funds shall not be disposed of contrary to the aforesaid objects. The Junta offers to produce minuted accounts of all the expenses that take place; and they offer to compare and overhaul the accounts with impartiality, so you may form a correct judgment of their management, and that after your acknowledgement you may pronounce *pro* or *con* on their administration and preservation of the funds intended or applied to so important objects. The Junta will warrant the funds in their possession before God and Man with their estate, honor and life of the members who compose it.

JOSE DE LAS PIEDRAS, *President*—PEDRO ELIAS BEAN, *V. President*.—ADOLFO STERNE (absent) *Treasurer*.—FROST THORN.—FR. ANTONIO DIAZ DE LEON, (temporary,) *Curate*.—MANUEL DE LOS SANTOS COY, *Alcalde*.—J. ANTONIO PADILLA, *Secretary*.

Nacogdoches, March the 10th, 1831.¹

CONTRIBUTIONS FOR BUILDING CHURCH AND SCHOOL

List of the names of the persons who subscribed toward the construction of a Church and the foundation of a school. Colonel Dn José de las Piedras, on the part of the military contingent, and for the present, one hundred pesos.

Colonel Dn Pedro Bean, All of the lumber necessary.

Dn Adolfo Sterne, twenty-five pesos and one hundred pounds of nails.

Dn Patricio Torres, a month's service of a hired laborer.

Dn Juan Mora, ten pesos.

Dn Francisco Guerrero, all of the hinges of the windows and doors.

Dn Manuel Santos, ten pesos.

Dn Jesús Santos, five pesos.

Ynes Santaleón, a barrel of beans.

¹This circular was printed in parallel columns in Spanish and poor English as the copy shows. Original in the Bexar Archives.

Don Martin Ybarbo, a two-year-old steer and a barrel of corn.
 Andres González, his personal service with a yoke of oxen for eight days.

Don Juan Lazarin, the same.

Don Concepcion Ybarbo, a yearling calf.

D. Antonio Manchaca, ten pesos.

D. Bautista Chirino, a three-year-old steer.

Brígido Sineda, the service of a hired laborer for eight days.

Nacogdoches, January 18, 1831.—José de las Piedras.
 —T[reasurer] José Antonio Díaz de Leon, as Secretary.

This document is a copy of the original sent to the State Government. Bejar, 12 of February, 1831.¹

INSTALLATION OF TEACHER

MANUEL DE LOS SANTOS COY

Justice Court of Nacogdoches.

No. 56.

The Primary Teacher, Don José Cariere, having been engaged, the amount of his salary and the remaining conditions and requirements necessary to the fulfillment of a contract having been regulated, it was necessary to open the school and install him in office, in order that he might at once begin to instruct the youth of this town.

Yesterday this act was solemnly ratified by myself as the sole constituted political authority, with the assistance of the Board of Piety, the guardian of this establishment, to whose labor and consecration is entirely due the installation of a school which will afford the public countless benefits.

The Teacher came to this town at the express invitation of the Board, and, according to all appearances, he is a man of adequate intelligence and learning, of honesty, and of other commendable qualities.

¹Translated by William A. Whatley. Original in the Bexar Archives.

I have the honor of communicating this to Your Excellency for your due notification and in compliance with my duty.

God and Liberty. Nacogdoches, May 10, 1831.

Manuel de los Santos Coy [Rubric]

His Excellency the Political Chief of
the Department of Bexar.¹

MUSQUIZ TO THE ALCALDE AT NACOGDOCHES

RAMON MUSQUIZ

Under today's date I am writing to the Regidores Citizens Franco Guerrero and Juan Mora the following.

"While I was justified in expecting that the members of the *Ayuntamiento* would be the first to indicate appreciation and gratitude to the Board of Piety of your town for the eminent services rendered in favor of the education of the young and divine worship, I have observed with deep displeasure the unjust and impolite manner in which you have conducted yourselves, as appears from the account contained in your official communication of the 10th inst. You, as fathers of the people, should have been the first to rejoice with the worthy members of the Board of Piety on the occasion of the establishment of the school, but, by your unwisdom and misplaced zeal, you embittered an act worthy of the highest esteem among civilized people. The Citizen Alcalde depends solely upon this *Gefatura* in the exercise of his political authority, and neither the *Ayuntamiento* as a body nor any of its members individually has the right to question his authority as you did. It was within his authority and would have been befitting the dignity of his position, to inflict upon you some penalty, pecuniary or personal, for the only right possessed by the individual members of the *Ayuntamiento* is that of dispassionate and respectful petition. It is true that the Law of April 6 of last year, prohibits the entrance of foreigners at the frontier without the corresponding passport, but discrimination is necessary, since the aforesaid Law of April 6, applies to those who come with the intention of becoming colonists. Mr. Carrier's is a different case, for he was

¹Translated by Katherine Elliott. Original among the Nacogdoches Papers.

invited by the Board of Piety in accord with the political authorities for the purpose of employing him in his present task—a most recommendable one—of educating youth. By virtue of this he did not need a passport from the Mexican consul, and only a feeling of prejudice, which you have been unable to conceal, against the inestimable advantage that has been afforded to the youth of Nacogdoches, caused you to act with the lack of tact and discretion you exhibited. Therefore it is due justice that you be hereby reprimanded in order that in the future you may be more cautious, and may appreciate duly the measures taken to improve and benefit the conditions in your municipality, which is for many reasons entitled to the services planned in its favor by the worthy Board of Piety.”

This I transmit to you for your information and in reply to your official communication No. 56 of the 10th inst., relating to the establishment of a primary school in order that you may express to the Board of Piety established in your town, the displeasure with which this *Gefatura* has regarded the conduct observed by the two *regidores* referred to in the communication inserted above at the installation of the teacher of the above mentioned school, which has been the object of the assiduous labors of the board.

God and Liberty. Villa de Goliad, May 24, 1831.

Ramon Musquiz:

To the Citizen the Constitutional Alcalde of the town of Nacogdoches.¹

LAND GRANT TO NACOGDOCHES FOR PRIMARY SCHOOL

DECREE NO. 240

The Congress of the State of Coahuila and Texas has thought proper to decree:

Art. 1. Four sitios of land, of the vacant lands of that municipality are hereby granted to the *Ayuntamiento* at Nacogdoches, to which possession thereof shall be given by the commissioner, whom the executive shall appoint for that purpose—

¹Translated by Professor Lilia M. Casis. Original in the Bexar Archives.

with power to select said sitios in continuity or separate as may be most proper in the judgment of the said Ayuntamiento.

Art. 2. The lands mentioned in article 1, shall be under the management of said corporation in conformity to the provision that is now, or shall hereafter be made by law.

Art. 3. The products thereof, whatever they are, shall be appropriated entirely and exclusively as a fund of the primary school, wherein the Castillian language, and what is furthermore, provided in article 215, of the constitution, shall be expressly taught.

For its fulfillment, the Vice Governor of the State shall cause it to be printed, published and circulated.

Wherefore I command it be printed, published and duly fulfilled.

Given at the city of Monelova on the 2nd of May, 1833.

J. M. de VERAMENDI.

Santiago del Valle, Secretary.¹

COMMISSION OF PUBLIC INSTRUCTION: SORS. ARREOLA,
HERNANDEZ, AND CARRIAGA

1st. The *ayuntamiento* of the city of Nacogdoches is granted the four *sitios* of land as petitioned, so that with the rent obtained therefrom, a fund may be created solely for the establishment of a primary school within that municipality.

2nd. The lands mentioned in the previous article shall be managed by a commissioner, who shall be appointed by the government for this purpose, and he shall take care to see that the lands granted be absolutely vacant lands free from all disputes and claims.

3rd. The *ayuntamiento* receiving this grant shall have no power at any time to transfer by sale the aforesaid lands, and shall only be entitled to use them to obtain rent or in some similar manner, the returns of which shall be managed by the said corporation in accordance with the provisions of article 133 of Law No. 37, regulating the economic government of the *pueblos*.

The discussion is postponed for the 12th day of the present month.²

¹Gammel's *Laws of Texas*, Vol. 1 (333);

Laws and Decrees of Coahuila and Texas, 1839, 223-224.

²Original in Bexar Archives. Undated.

NACOGDOCHES SCHOOL STATISTICS

Children					
Date	Pop. 7 to 16	Schools	Pupils	Sources of Information. ¹	
1828	737	192	o	o	Census, May 24, 1828.
			o	o	School Report, Dec. 31, 1828.
1829	...	...	o	o	Census, March 31, 1829.
			o	o	School Report, March 31, 1829.
	542	114	o	o	Census, June 30, 1829.
			o	o	School Report, Dec. 31, 1829.
1830	666	180	o	o	Census, Dec. 31, 1829.
	665	138	.....	.....	Census, June 30, 1830.
			.....	.....	School Report, June 30, 1830.
	701	138	.....	.....	Census, Dec. 31, 1830.
			.....	.....	School Report, Dec. 31, 1830.
1831	767	166	1	50	Census, June 30, 1831.
			1	37	School Report, June 30, 1831.
	848	167	.....	.....	Census, Dec. 31, 1831.
			1	46	School Report, Dec. 31, 1831.
1832	...	...	1	24	School Report, March 31, 1832.
			1	16	School Report, June 30, 1832.
	844	176	.....	.....	Census, June 30, 1832.
	791	147	1	.....	Census, Dec. 31, 1832.
1833	857	183	.....	1	Census, June 30, 1833.
			.....	1	School Report, June 30, 1833.
	877	183	1	15	Census, Dec. 31, 1833.
			1	15	School Report, Dec. 31, 1833.
1834	871	192	1	11	Census, June 30, 1834.†
			*2	11	School Report, June 30, 1834.
	871	192	1	13	Census, Dec. 31, 1834.
			*2	13	School Report, Dec. 31, 1834.

THE SCHOOL AT LA BAHIA (GOLIAD)

The materials show that there was a school at La Bahia in the early part of the twenties. Reports ten years later do not indicate

¹These reports are found among the Nacogdoches Papers.

†A copy also in the Texas Archives.

*Evidently an error in copying.

the existence of any school, and there was none in 1834 according to Almonte's Report.¹

REGARDING A CASE OF DISCIPLINE

Number 8.

By your official communication of the 27th ult., I am informed both by my predecessor and some neighbors of high standing in the city that the injury of the hand suffered by the son of the soldier Carrillo was not the result of the flogging which the teacher gave the boy, but the result of his devilment as I will inform you in detail from the report I have received.

“For instance one morning the teacher punished the boy with a ruler, in the afternoon there was a merry row and dance which the boy attended. He was one of the dancers, and he held a water gourd in his hand which he manipulated with great dexterity. The following day he did the same thing, and so on successively for three days. During this time there was no complaint from the boy. It is to be noted that after these dances the boy went swimming in the river in company with other boys who testify to it, and while they were all playing with a canoe he hurt his hand by getting it caught under the said canoe. From that time on the boy began to complain, for which reason it is thought that this was the original cause of the injury, and not the rapping with the ruler. Besides, Carrillo had already made complaint to my predecessor against the teacher about the injury to his son. He (my predecessor) on being informed reprimanded the teacher thus ending the matter but leaving the teacher much insulted.

But let us suppose that the teacher was the positive, original cause of the injury to the son of Carrillo. He (the teacher) could with time only, pay for the cure of the boy by being deprived of the salary which he receives as a soldier for his support and that of his family. As a teacher he receives no salary at present, and only gets a few donations such as meat, lard, salt, etc., on Friday, from a very few neighbors. The majority of the children are taught out of pure charity, the custom being not to give anything to this unfortunate wretch.

¹See pages 91-93.

Notwithstanding I duly reproached the teacher that he may not use the ferule in the future on the boys, and advised him of all your other instructions which made the poor fellow much ashamed.

With this I reply to your aforesaid official letter of the 27th. God keep you many years. Bahia, June the 9th, 1820.

José Ramirez [Rubric]

To the Governor,

Corl. Antonio Martinez.¹

A TEACHER'S COMPLAINT

José Galan, the secretary of that *ayuntamiento*, complains to me that on account of being kept constantly employed writing, and not having received any pay for his work, he and his family are suffering want: and that likewise, he has been deprived of the management of the school which he had under his charge. I must say to you that our wise laws have as their purpose the happiness of the citizens and not their ruin by the heavy obligations imposed upon them through the municipal offices to which they may be elected. In the first place, he ought to have his salary. That *ayuntamiento* should propose the amount to the honorable deputation according to the funds or resources of that *pueblo* and the merits and work of the person in question. While this is decided, there is no reason why he should not be given something that he and his family may not starve. In the second place, he was discharging his duties with regard to the school with zeal and efficiency as is demonstrated by the samples of the work done by students sent to this government, from which the progress in education in that *pueblo* has been seen. As Galan is an honest man, there is not any reason for depriving him of the school, since this is not a hindrance to the discharge of his duties as secretary, and especially since the *ayuntamiento* can not pay him an adequate salary for the support of his family. In view of this, I trust that, with your accustomed fairness and justness, you will attend to the complaint of this person. God keep you many years. Bexar February 7th, 1821. To the constitutional alcalde of La Bahia.¹

¹Original in the Bexar Archives.

EDUCATIONAL CONDITION DESCRIBED

No. 90.

This *ayuntamiento* has adopted with great pleasure the proposals and orders of the Commander General for the establishment and development of a primary school. But due to the prevalent miserable conditions, the population of this place is diminishing, and whole families are leaving hurriedly either for the capital or for other provinces, so that if there had been a supply of horses here the place would have been absolutely abandoned. In spite of the lack of horses, many individuals, braving all the hardships and dangers which arise, leave the place under great difficulties, though they regret the destruction of their scant property. This is the main reason why a regular school does not exist in this district such as we had a few months ago. Only through the entreaties and persuasion of the *Cabildo* and the parish priest, Don Tomas Buentello has taken charge of about sixteen or twenty children to whom he gives primary instruction more as a favor than for the money he receives. Yet, if the circumstances which oppress us should change, the first step which this *ayuntamiento* will take with great determination and interest will be the establishment of a school, since it is the symbol which characterizes man placing him on the road to honor and the highest achievements.

May God keep you many years. Bahia, August 3rd, 1822.

Juan José Hernandez [Rubric]

To the Governor:

Brigadier Gen. Antonio Martinez.¹

LETTER TO MUSQUIZ

Number 34.

Notwithstanding the fact that this corporation has already made efforts to comply with article 122 of the law of 13th of June last, number 37² with regard to the strict responsibility which this corporation has of establishing a school of primary education for the instruction of youth—and of which your ex-

¹Original in the Bexar Archives.

²See page 30.

celleney reminds it in your official communication of January 23rd of the present year—this corporation has approached the commander of the company stationed permanently in this post to see if he will contribute to the payment of that part of the salary to be assigned to the teacher who is willing to instruct the children of the troops. This municipality informs you that, with respect to public funds, there are none on hand for the maintenance of the school. Therefore, it is forced to establish, until such funds are secured, a system requiring the payment of a quota from the private means of the parents of children, as has been done in previous times, this to be imposed on them prudently so that the salary of the teacher who is to take charge of the education and instruction of the children may be paid. The teacher can be no other than the Rev. Father Fr. José Miguel del Muro, as proposed in your above mentioned letter, who offers at once to discharge temporarily, or as long as he is able, the office to which he is invited if the necessary equipment be furnished for so important an object, such as the building to open the school in, tables, seats, etc. As regards the construction of the building, it seems that the parents are interested in building it, and have already begun to cut the lumber and have brought part of it in. This *ayuntamiento* will endeavor by all possible means, to attain success in so valuable an enterprise in spite of the fact that this neighborhood is engaged at present in the cultivation of its lands for its indispensable crops. All of which this corporation makes known to you for your information and in reply to your said official communication, and lastly asks you to interpose your influence with the supreme government of the state that it may give its decision in regard to raising the proposed funds.

God and Liberty. Bahia January 31, 1828.

J. Guadalupe de los Santos

José Antonio Vasquez, Secretary.

To the Chief of the Department
Citizen Ramon Musquiz.¹

¹Original in the Bexar Archives.

COPY SET FOR CHILDREN'S WRITING

There is no remission of sins except through the Catholic Church, since it is a continuation or consequence of the communion of the Saints. Being members of Jesus Christ we participate in His infinite merits; and as he is God he has the power of remission.

Answer not before listening; and interrupt no person in his discourse. Ecclesiastics Chapter 11.

1.2.3.4.5.6.7.8.9.0.10.11.12.13.14.15.16.17.19.

From the hand and pen of Juan de Leon, pupil of the Reverent Father Brother Migel Muro; dated—at Bahia on the 18 of February of 1829.¹

EDUCATION IN SAN ANTONIO

After the establishment of the Mexican government there was evidently a lapse in the school interest in San Antonio. Not until 1826 is there clear evidence that a school was in operation. But only from 1828 can we trace in detail the facts regarding the attendance, the finances, the teachers and the official acts affecting the school.

BEXAR WITHOUT A SCHOOL IN 1823

Texas Courier, 1823.—Some four years later a venturesome American who signed himself Asbridge, established a press at San Antonio, and on April 9, 1823 announced his intention of publishing the *Texas Courier* "every Wednesday morning in Spanish and English." His prospectus addressed in flamboyant style, "To the advocates of Light and Reason," deplored "the vicious policy of Spain, which for three hundred years had concealed from the world the rich and beneficent province of Texas, neglected education, stifled the arts, and discouraged industry." But, "evils of such magnitude could not be everlasting." "The epoch of reason and light [had broken] forever the degrading chains which oppressed the new hemisphere"; and

¹Translated by William A. Whatley. Original in the Bexar Archives. Around the outside of the copy is a pen and ink decoration of simple design. The writing was an example of prize penmanship.

Bexar, which formerly "was not thought deserving of a primary school, is now in possession of a printing press."¹

FIRST EFFORT TO ESTABLISH A SCHOOL

Saucedo to Governor of T.-C.

Your Excellency:

In consequence of the instructions you gave me in your letter of March 2, concerning the obligation imposed by law upon the *ayuntamientos* of the pueblos for promoting the establishment of Public primary schools for the instruction and education of the youth, and of attending to other matters connected with this important and beneficial establishment; I will take all possible pains to see that the *ayuntamientos* of the department in my charge comply exactly with this sacred duty which the law imposes upon them on this matter as fathers of the youth. Nevertheless with greatest regret I inform you that at the present time and at all times this city has lacked this benefit; for even when the *ayuntamientos* have encouraged their establishment, they have done so with but little force and energy, either because the lack of funds to pay the salary of instructors or on account of the lack of interest of parents in paying the sums assessed against them for the education of their children; and lastly because of the frequent absences of children from school. They even go so far as to leave school without their parents' consent and the judicial authorities do not force the parents to send their children to the determined place for their schooling. For these reasons I think it absolutely necessary that in this town should be established a primary school supported by state funds since up to this time this city has not had a separate school fund. I am, however, ignorant as to whether this amount would be sufficient to pay the salary which would have to be paid to a teacher of sufficient education and of moral character to control the children. As of this class of individuals there are none in this city and as it is necessary to have an outsider, it is indispensable to defray the expenses of his trip and give him a salary sufficient to overcome his dislike to the place, which,

¹Barker, Eugene C., *Notes on Early Texas Newspapers, 1819-1836*. In *Southwestern Hist. Quar.*, Vol. 21, 127-128.

although pleasant and healthful, is abhorant to everybody because of its decadent and miserable conditions.

After the establishment of this school, or of the two schools, which I consider indispensable for the education of the great number of children who run about the streets, I think that the parents of moderate means should be forced to pay a contribution according to their ability to support the ordinary expenses of the school with the understanding that without exception they be compelled to send their children to school. However, you will decide what you think most convenient under the circumstances.

God and Liberty
San Fernando de Bexar,
April 18, 1825.¹

THE POLITICAL CHIEF TO THE AYUNTAMIENTO

Year of 1826.

Measure proposed by the Chief of the Department of Texas, requesting that the cost of construction of a building to be used as a Primary School be met by the State funds.

Book A, Number 39, p. 45.²

Office of the Secretary
of the Supreme Government of the State.

With the official letter of Your Lordship[s] of yesterday's date I received the estimate of the expense of the construction of a building fourteen and a half *varas* in length to serve as a primary school. The utility and the necessity of such a building is sufficiently evident, but as Your Lordship[s] do not indicate the fund which should support it nor the means on which you count for its construction, I request that in answer to this letter you will inform me on both of these points, that I may direct it to the hands of the Excellent Governor of the State by the next mail, to the end that it may receive the approbation of the Honorable Congress.

God and Liberty. Bexar, January 20, 1826.

José Antonio Saucedo [Rubric]

To the Very Illustrious *Ayuntamiento* of this city.³

¹Original in the Bexar Archives.

²This explanatory note was written on the letter which follows.

³Translated by William A. Whatley. Original in the Bexar Archives.

THE AYUNTAMIENTO TO THE POLITICAL CHIEF

This body did not indicate to Your Lordship the fund which it has at its disposal for the construction of the building of fourteen and a half *varas* in length, to be used as a primary school, for the reason that it considers that the fund which was established on the 17th. of November lately past is insufficient to meet the demands of such expense with the opportuneness that such an important enterprise demands. However, moved by the zeal, patriotism, and love with which Your Lordship has cooperated with us in this matter, and coordinated your ideas with the public good, we do not doubt that you will be able to influence the Supreme Government so that it may indicate that which may be most convenient.

God and Liberty. Bexar, January 20, 1826.

Juan José Zambrano [Rubric]

Mariano Gortari [Rubric]

To the Temporary Chief of this Department

Citizen José Antonio Saucedo.¹

ESTIMATE OF THE COST OF BUILDING

Fourth Seal. Furnished by the State of Coahuila and Texas for the Year of 1826.

Zambrano [Rubric]

[On margin]

The person interested has paid in the office of which I have charge one-half of a real, the value of this stamp.

Garza [Rubric]

Estimate of the probable cost of the construction of a public building to be used as a religious school, and for the teaching of the children of this city, compiled by the following competent appraisers: Citizen José Antonio de la Garza and the master-mason Donaciano Ruiz.

<i>A building of 14½ varas</i>	Pesos Reales Cuartillas
For 1500 Shingles at 3 pesos per 100...	45.
34 lintels at 10 reals.....	42. 4

¹Translated by William A. Whatley. Original in the Bexar Archives.

3000 Adobes at 10 pesos per thou....	30.	
18 days labor of a master-mason at 2 pesos per day.....	36.	
7 Laborers for the same number of days at 4 reals per day.....	63.	
110 cart-loads of stone at 1 peso, each.	110.	
100 ditto of earth at 4 reals each....	50.	
12 days labor by a master-mason with three laborers.....	42.	
4 days ditto, and 6 workmen to con- struct the roof.....	26.	
10 cart-loads of Gravel to make ce- ment for the roof at 4 reals each	5.	
50 <i>Fanegas</i> of lime, at 6 reals.....	37.	4
15 cart-loads of sand at 7 reals.....	13.	1
12 days labor by a master-mason and 3 workmen to plaster.....	42.	
2 days ditto with 4 workmen to mix mortar	16.	
70 <i>fanegas</i> of lime, at 6 reals.....	52.	4
20 cart-loads of sand at 7 reals.....	17.	4
12 days labor by a master-mason to build the wall, one-third of stone and with 3 laborers....	42.	
10 Water-conduits at 6 reals.....	7.	4
2 Windows. 12 pesos.....	24.	
1 door with all accessories.....	24.	
9 sills	11.	2
5 rafters for cross-supports.....	2.	2
6 ditto, small, at 2 reals.....	1.	4
Total value, pesos.....		746. 5

San Fernando de Bejar, January 14, 1826.

José Anto. de la Garza [Rubric]

José Donaciabo Ruiz, (X) [mark]¹

¹Translated by William A. Whatley. Original in the Bexar Archives.

TAX FOR MAINTENANCE OF SCHOOL-MASTER

In an act passed on the 17th of November of last year, the Illustrious *Ayuntamiento* agreed to tax the introduction of stock for slaughter in this city, at the rate of two reals (*dos reales*) a head, and of one-fourth of a real (*una cuartilla*) for sheep and goats, in order to meet the payment of the salary of the school-master. And not having given you previous notice of this act in order that you might in turn notify the superior authorities for their approbation, we hereby communicate the same to you, begging that you will transmit it to the higher authorities above mentioned, that they may co-operate in making effective so beneficial a measure.

Municipal Hall of Bejar, January 20th, 1826.

Juan José Zambrano

M.^{no} Gortari, Secretary.

(To José Antonio Saucedo, Political Chief)¹

POLITICAL CHIEF TO THE GOVERNOR OF THE STATE

N^o 30.

Very Excellent Sir:

The 19th. of the present month I had the satisfaction of seeing the establishment in this city of a public primary school. The tardiness of its establishment was caused by the lack of means with which to pay the school master; to provide such means, I was compelled to adopt the expedient of appealing to and exciting the zeal of the *Ayuntamiento* of this place to the end that a public list of voluntary subscriptions should be opened.; the result of this measure has justified my hopes, and this difficulty has disappeared, as many citizens have agreed to pay a monthly contribution. Not possessing a public edifice fit to answer the purpose of a school-house, the *Ayuntamiento* caused to be drawn up a reliable estimate of the expense necessary to erect such a building, which estimate I now place in the superior hands of Your Excellency, to the end that if you should judge it to be advisable you may submit it to the consideration of the Honorable Congress of the State, under the understanding that the

¹Translated by William A. Whatley. Original in the Bexar Archives.

Ayuntamiento has not sufficient funds to cover the expense of his building, as is attested by its official letter, which I enclose.

I flatter myself that Your Excellency, in your interest in the advancement of youth, will use all the means in your power to obtain the protection of the Honorable Assembly for this worthy town, and to obtain its consent to the use of a portion of the State funds to satisfy the cost of the construction of the building mentioned in the above estimate; for I am certain that you will judge the limited means which I describe in a separate letter to Your Excellency to be totally inadequate.

God and Liberty. Bexar, January 21, 1826

José Ant^o. Saucedo [Rubric]

Addressed to the Honorable Governor of this State, Rafael Gonzales.¹

GOVERNOR TO THE CONGRESS

I enclose to Your Lordships the original of the measure proposed by the Chief of the Department of Texas, soliciting that the expense of the erection of a building to be used as a public school in the city of Bejar be met by the public treasury of the State; the estimate of the probable cost of such a building also accompanies the measure.

The Government, on placing this measure before Your Lordships, cannot do less than recommend to the August Legislative Assembly the laudable zeal of the above mentioned Chief toward the object of procuring suitable facilities for the instruction of youth, and suggest that if you should be pleased to concede to the city of Bejar the aid which the measure solicits, it might be feasible to apply to this end a part of the product of the tax which the new colonists of that Department are to pay as an acknowledgement.

I pray that Your Lordships will make all of the foregoing plain to the Honorable Assembly, and communicate to me its

¹Translated by William A. Whatley. Original in the Bexar Archives.

decision in the matter, in order that I may give it my full compliance.

God, etc. Saltillo 14th. of April, 1826.

To the Secretary-Members of the Honorable Congress of the State.

Copy.

Padilla [Rubric]¹

THE ACTION OF CONGRESS

Secretarial Department of the Congress of Coahuila and Texas.
Most Excellent Sir:

After considering Your Excellency's official letter of the 15th. of the present month, with which you enclosed the original of the measure proposed by the Chief of the Department of Texas, which measure had as its laudable end the establishment of a primary school in the city of Bejar, the cost of the erection of a building for this purpose to be met from the funds of the State; the Honorable Congress has decided to return to you the above-mentioned measure for the reason that it does not contain the necessary information, in order that you may cause the lacking information to be furnished by those concerned; the Honorable Congress also begs that on the resubmission of this measure Your Excellency will inform it as to the ways and means which it should propose to the *Ayuntamiento* of that Department for the obtainment of the object to which the measure refers.

In compliance with this decision, we hereby return the measure above-mentioned, that you may carry out the indicated suggestions.

God and Liberty.

Saltillo 22 of April, 1826.

Juan Vicente Campos, *Diputado Secretario*.

El Baron de Bastrop.

Copy.

Padilla [Rubric]¹

¹Translated by William A. Whatley. Original in the Bexar Archives.

REPORT OF CONGRESSIONAL COMMITTEE ON THE ESTABLISHMENT OF A GRAMMAR SCHOOL

The first part of the document discusses the plan of one, Citizen Narro, to establish two grammar-schools in the city of Saltillo, to be supported by endowments from the state and from private citizens. The committee finds the plan for Saltillo impracticable, owing to the failure of the private persons who had promised endowments to live up to their promises. While lauding the spirit of the enterprise and admitting the need of educational establishments, it protests against the establishment of such schools without sufficient money to keep them going, and declares that the founding of a school which must be closed to-morrow for lack of funds is conducive neither to the good of the public or of the state. The report then proceeds to the consideration of a similar project for Bexar:

.....

There has been before the Congress lately a petition of the *Ayuntamiento* of Bexar, which asks baldly that a grammar-school be founded and supported there at the expense of the state. The petition contains no suggestion of the purpose to use, for the support of the said school, any funds except those which may be obtained from the state, i. e., those raised by taxation; without considering that the scarcity and insufficiency of the funds of the state are notorious. For this reason, this Committee has come to the following decision: That the petition of the *Ayuntamiento* of Bexar, with a full copy of the proceedings of this Committee which has been charged with its consideration, be returned to the Governor of the State, to be by him transmitted to the Chief of the Department of Texas, and by him to the *Ayuntamiento* in question, that the said *Ayuntamiento* may remedy the above mentioned and serious fault which we have found in the plan which is the subject of the petition.

Committee Room, Saltillo, May 20th., 1826.

To the Honorable Congress.

Juan Vicente Campos
 José M^a. Viesca
 El Baron de Bastrop
 Mariano Varela

Copy—Neri—Varela

Copy

Juan Antonio Padilla

Secretary.¹

¹Translated by William A. Whatley. Original in the Bexar Archives.

REPORT TO THE POLITICAL CHIEF

Seal of the free State of Coahuila and Texas

The Secretarial Committee of the Honorable Congress, in an official letter of the 8th., of the current month addresses me as follows:

“Very Excellent Sir:—The Honorable Congress, being informed of the content of your official letters of the 21st. of February of the past year of 1825, and of the 10th. of May of the current year, with which you enclosed the expositions of the *Ayuntamientos* of this city and of Bexar on the matter of the creation of three grammar schools in this and that city, has decided after hearing in the matter the findings of a committee composed of its own members, to return to Your Excellency the said expositions, with a full copy of the findings of the above-mentioned committee, to the end that you may carry out the instructions which will be found to be contained in it.

“In compliance with the above decision we enclose to you the said documents.”

I communicate the same to Your Lordship, enclosing a copy of the decision of the Committee mentioned above for your information and that you may comply with that part of its instructions which concern your office.

God and Liberty.

Saltillo, 20th. of July, 1826.

Blanco [Rubric]

Juan Antonio Padilla [Rubric]

To the Chief of the Department of Texas.

[On margin]

This letter was placed before the *Ayuntamiento* of this city on the 12th. of September.¹

¹Translated by William A. Whatley. Original in the Bexar Archives.

SCHOOL EQUIPMENTS ORDERED

JOSE MARIE VIESCA

Viesca was governor of the State from 1827-1831.

This was transmitted to the *ayuntamiento* of this city with the enclosed document on February 12th. In agreement with your petition in the official communication No. 22 of the present month, I have ordered that one hundred charts, thirty-six catechisms, and thirty-six cartoons be bought for the instructor in primary letters of the youth of that city. I advise you that the cost of all was twenty-six dollars as you will see by the enclosed account.

You will order the said sum to be paid to the depository in charge of José Antonio de la Garza and have it credited to state funds.

God and Liberty. Saltillo, January 20th, 1828.

Viesca.

J. Antonio Padilla.

To the Chief of the Department of Bexar.¹

INSTRUCTIONS TO THE TREASURER OF THE SCHOOL FUND

This *ayuntamiento* transmits to you the enclosed provisional instructions adopted by it for the management of the depository of funds of the primary school of this city, and trusts that you will please acknowledge receipt thereof in all due form. God, etc. Bejar, January 26, 1828. President of the commission of the depository of school funds. Refugio de la Garza.

With the separate official letter of this date which the *ayuntamiento* transmits to you, there is enclosed a copy of the list of the voluntary subscriptions by the citizens of this municipality for the purposes expressed in article 2 of the instructions. I trust you will be pleased to acknowledge receipt thereof in all due form. God, etc. Bejar, January 26, 1828. President of the commission of the depository of school funds, Refugio de la Garza.²

¹There are together with this letter the notice sent to the chief of the *ayuntamiento*, the remittance to the State depository of funds, acknowledgements of receipt of books by the *ayuntamiento*, and a bill for the books. Original in the Bexar Archives.

²A receipt of the instructions is attached to the above document, Original in the Bexar Archives.

ORDINANCE WHICH SHALL BE OBSERVED IN THE PUBLIC
FREE PRIMARY SCHOOL DEDICATED TO THE
INSTRUCTION OF THE YOUTH IN
THE VICINITY OF
BEXAR¹

CHAPTER I
General Provisions

Art. 1. The Holy Patron of this pious establishment shall be the Christ Child, and on the 25 of December, when his festival is celebrated, there shall be a Church function and some other public demonstrations of worship and of merriment, which shall be decided upon annually by the teacher, who shall present them beforehand to the Illustrious *Ayuntamiento* for its approbation or amendment.

2. Two months previous to said festival the Teacher shall send an invitation, by writing, to the Parents of all the Children, inviting them to make a contribution to defray the costs of this religious act, and these shall cooperate freely, according to their means, with whatever amount they wish or with nothing, if they thus think best.

3. Before the close of the eight days following this function, the Teacher shall present to the Illustrious *Ayuntamiento* a written statement of the amount of the contribution, and of the objects for which it was spent.

4. Over the principal Doorway of the house which serves for a School shall be placed an inscription of the following tenor
PUBLIC FREE PRIMARY SCHOOL.

5. The style of address of the children among themselves, within or without the School, shall be that of Citizen So-and-so; and that which they shall use for the Teacher, as for all other persons their elders, shall be that of *Señor*.

6. All the children for the present and while the corresponding funds are being created, shall furnish their Syllable-books,

¹Translator's Note: For the year 1828. In the translation of this code of rules the literal expression of the original has been followed or imitated as closely as possible, the changes being, for the most part, only in punctuation. The capitalization and parentheses are those of the manuscript.

Books, paper, pens and the remaining necessary articles, which the Teacher may require of them.

7. In the course of each year there shall be two periods during which the children shall enjoy a holiday or vacation, one of these lasting from the Wednesday of Holy Week until Easter Saturday, and the other from the 23 of December to the 1st of the following January, inclusive.

8. On feast days of only one cross there shall be school in the same manner as on all other days.

CHAPTER II

The principal points upon which has been based the contract agreed upon with the Teacher who is to serve the school, and some other rules which bear relation to them.

9. Citizen José Antonio Gama y Fonseca is obligated spontaneously and solemnly to teach, for four years reckoned from the 1st of January of the present year, all the youths of this vicinity, under the rules that have been prescribed for him or which shall be in the future: to read books and manuscript; to write, to calculate in the first five principal rules of Arithmetic; to take care that they receive some knowledge of the Grammar of the Language, likewise of the Doctrine of our Holy Religion by means of the catechism of Father Ripalda, and of the principles of good Morals and Manners, and other social virtues.

10. He shall enjoy annually the salary of \$500, to be paid at the completion of each month, excepting for this purpose partial receipts in favor of the Illustrious *Ayuntamiento*, which shall always be the immediate administrator of the funds destined and collected for this object.

11. In consequence of the preceding article, the Teacher is deprived of the power of exacting, even indirectly, from the pupils, any kind of payment, remuneration, or contribution; (not even that which is customary in other schools under the name of Fridays), unless their Parents desire to reward him spontaneously with some gift, as a token of their gratitude.

12. He is prohibited also from selling seats, or other abuses of this kind, which a corrupt custom has introduced into our schools.

For the first visit which must be paid to the school by the Illustrious *Ayuntamiento* the Teacher shall have formed a list of

all the pupils, expressing their names, ages, date of entrance, and the state of instruction in which they then were, and a blank margin to the right, in order to note the Progress and Retrogression, which may be occurring, in accordance with the model which will be assigned to him; likewise showing the copy-books and remaining documents which may serve as evidence of the progress of the Children.

The Teacher shall be likewise prepared and in agreement with the Curate of the place regarding the visits which the latter must make to the School as Priest of this parish; agreeing also during the time of Lent upon the days and the methods in which the children must make their confessions, in order to fulfill their duties annually with the Church.

Each four months the Teacher shall hold a public contest in the School itself, announcing three days beforehand to all the vicinity that 12 pupils (six from each Band) will compete, and in this contest six individuals, who shall be invited in writing, shall serve as synodals¹; he indicating to them the matters in which they may examine the participants, any one else in attendance being free to examine them also.

The contest being concluded, the Director associated with the synodals, after previous information which he shall give them concerning the progress of the Children who have participated in it, shall proceed to the grading, which shall be done in three degrees—Superlative, Comparative and Positive, or especially good, very good, and good; there being next drawn up a record, which shall be filed at the School, indicating those who have been accredited to the first, to the 2nd, and to the 3rd grade, signed by the synodals and the Teacher. then they shall proceed to distribute among those of the 1st and 2nd places badges of distinction, which they shall wear placed upon the left arm, as will be shown in the first instance which occurs.

CHAPTER III

Concerning the internal management of the School.

This shall commence its work promptly every day in the Summer from six to eleven, and from seven to twelve in the

¹That is, examiners.

Winter for the mornings, and for the afternoon, in each session. from two until six. The period of Summer shall be reckoned from the 1st of April to the last of September, and the six remaining months for the Winter.

At the said hours, with the number of Children that are present, the Teacher shall begin School with a devout prayer dedicated to the Supreme Being (which shall also be repeated at the closing); assigning next the distinct occupations with which the pupils are to employ themselves.

Of all these there shall be formed two parties, or Bands (Rome and Carthage), and in each one there shall be a President, six Captains and six corporals, which positions for the first time shall be filled by the Teacher, according to the experience of the Children, and afterwards they shall have the option of them who in the public and private Disputations are most distinguished for their advancement and application. The captains and corporals shall be denominated in numerical order from 1st to 6th, according to which they shall take position, whenever they form, at the head of their bands. In order to be President it is at least necessary to be already writing (*de delgado*)¹ to know the first four rules of counting; two-thirds of the catechism, the same of the lessons of Spanish Grammar, and some others concerning the constitution which may be taught them. The Captains must present a half of these qualifications, and the corporals a third of them, all of these being under the judgment of the Director, upon the supposition that the instruction which is demanded shall be perfect.

The bands shall be divided amongst themselves into three departments; the 1st shall be composed of the captains and the corporals, and shall be called the Department of officers, and shall be immediately subject to its respective President; all those who are already writing shall form the second and it shall be under the immediate orders of the captains; and the third shall be composed of readers only, and the corporals shall have charge of it; the number of children composing it being distributed among them in equal parts, the same being done in the 2nd for the captains.

¹This expression is too puzzling for an attempt at translation.

The daily device that the officers shall wear, within and outside the school, shall be three fluted ribbons placed crosswise upon the left breast and a bar of white metal which crosses the three bands in the middle, commencing in the 1st and terminating in the 3rd, for the president; two arranged similarly for the captains and one for the corporals, both without bars, the Romans being distinguished from the Carthaginians in that the device of the first shall be sky-blue, and scarlet that of the second; the Presidents shall carry in addition, for all public occasions, in the hand the most suitable cane possible. Each band shall have a white banner with the inscription in the middle of *Rome* or *Carthage*, in conformity with the model which shall be given and these shall be placed in the school at the head of the party to which each one corresponds: it being the duty of the corporals of the sixth rank to bear these banners whenever they have to go in regular order outside the School, occupying the position which belongs to the Bearers.

In addition there shall be a place of opprobrium for the Children of both bands, designated by the Teacher and destined for the indolent or those who have relapsed into shortcomings in their respective subjects, which they shall not be able to leave until they give full proof of application and amendment, and with previous supplication from the commander of the squad to which they belong.

The duties of the President shall be: 1st, to receive immediately the orders which the Teacher may have to communicate to the School; 2nd, to cause these to be observed and properly fulfilled by their respective bands, as well as all those prescribed in this regulation, under immediate responsibility to the Director, for which purpose they shall make use of the captains and corporals of their command, who shall be subordinate to them in everything; 3rd, to preside over their respective bands whenever they are gathered in regular order; 4th, to reply themselves in the public or private disputations, whenever an individual of their respective bands is unable to do so; 5th, to give an account to the Teacher of the faults which they observe in the Children inside and outside of the School, correcting them themselves by a serious admonition, or giving notice immediately to the

Teacher, who shall carry into effect these punishments in the best possible way, unless injustice should be manifest.

The Department of readers shall be immediately in charge of the corporals, each one of these taking care to assign and hear, morning and evening, the Children of his Squad in the corresponding lesson and other tasks provided for them, giving account of the result to his respective President in order that the latter may do the same, in turn, to the Teacher; both of these should themselves frequently surprise the instructors in order to see if they comply with their duties, especially when some punishment is to be applied to anyone whatever of the Children, of whom his immediate director has given a bad report.

In the same manner and under the same conditions as given in the preceding article, by which the department of reading has to be subject to the six corporals, the department of writing shall be subject to the six captains, and the department composed of the former and the latter officers to the Presidents, and each one of these sections shall be denominated a Squadron.

As the next act after the invocation to the Supreme Being which the —————¹ article prescribes, each of the captains and corporals shall gather those of his Squadron in their respective seats—(which shall be changed only through having obtained some promotion or degradation), and shall proceed immediately to hear their lessons, to rule paper for them, to pass lists, etc.

The Teacher shall observe very scrupulously that all the officers fulfill their respective duties—and the least failure shall render them liable to be deposed from the employment—and to correct them seriously, especially when through animosity or partiality they conceal or exaggerate the faults of their subordinates.

In the morning at 9 the Children shall be permitted to go out to breakfast, the Teacher taking care that this interruption does not last more than half an hour.

¹It was evidently intended that the numbers after 12, which are wanting in the Ms., should be inserted, and that this blank should be filled to correspond. The article referred to would thus have been numbered the 18th.

He shall take care, also, that the special work of each department shall be terminated morning and afternoon an hour before dismissal and that this interval be employed in hearing lessons and in correcting exercise books.

Three questions of Christian doctrine in the morning, and as many more for the afternoon, shall be the memory lessons which shall be imposed upon all the pupils, including from *every faithful Christian*, and marking each *point* separately by questions up to where they begin.

On the last Saturday in each month the Children of the first and second departments (one band against another) shall have, in the afternoon, a contest in which shall be considered the exercises and their respective instruction in reading, and the memory lessons which they have learned; and the decision shall rest upon the judgment of the Teacher, there being an appeal from his judgment only to the individual vote of three residents, simply in the branch of writing.

The conquered party shall have to file in front of the conquerors who shall be seated in their places, and as each pupil of the former class arrives in front of the one who surpassed him, he shall kneel on one knee to the ground and shall remain until the latter shall lift him up, saying to him: *Have a little more application*. The President only in every case, and those who have surpassed, although they may be of the conquered party, shall not perform this last act of acknowledgment; but they shall remain standing after they have filed past until the last of their associates shall have performed it; and the Banner of the conquered shall remain furled until they recover the lost honor.

Challenges shall also be permitted, at one time it may be of one band against another, at another of the individuals of the same one amongst themselves, observing in the first case everything provided in the preceding article; and in the second case the punishment of the conquered shall be to go down to the place which the conqueror held, the latter going up to the place of the former.

For the remaining Saturdays, in the afternoon the Children of the first and second Departments shall be employed only in learning a memory lesson, the shortest possible, of Spanish Grammar,

and of any other manuscript compendium that shall be formed for them. They shall become accustomed among themselves to ask and answer questions, and those of the third shall merely take a review of all the questions of Christian doctrine with which they may have been occupied during the week.

Failure of attendance on the part of the Presidents, as well as that of any of the captains or corporals, shall be constantly provided for by the immediate successor, whether it be to obtain possession of the place, or to fill it provisionally while the absent one is not in attendance.

The day after the disputation provided for during each four months in article _____¹ the rest of the Children shall be subjected to an examination by the Teacher and the twelve participants, and all those residents who wish may also be present. According to the greater or less amount of learning which they show, they shall be judged as belonging to the first, second, and third grade, without giving them the honorary distinction of the badge provided for in the cited article.

CHAPTER IV

Rules Which shall be taught to the Children for their conduct outside the School

The Teacher shall especially take care to admonish them concerning the propriety and moderation with which they ought to comport, themselves in their homes, in the Church, on the street, and in all their intercourse with their elders, advising them that above all things, they abstain from the detestable use of obscene words, from disputes, and from prohibited games.

On Fridays and Sundays of Lent in the afternoon, the Teacher shall take care to conduct the Children to recite the *Via Crucis* and to hear the accustomed doctrinal discourse. To do this he shall try to shorten the duties of the School and to accomplish the same as on all the remaining days, he agreeing with the Curate of the place, whether before the discourse the Pupils may be exercised in a Catechism of Christian doctrine.

On all Sundays and observed festal days of the year the

¹This blank should have been filled with the number 15.

Children shall be assembled at the School an hour before high Mass, in order to attend it in regular order.

On all occasions when the Children have to attend Church, in their going and coming, they may go praising God by means of some devout song in which the Teacher shall instruct them, seeing that all of those who can carry some book in which shall be explained the unspeakable mysteries of this august Sacrifice.

For the purpose of keeping order in the ranks, the first and second captains of each band shall be employed, without having any place therein, going back and forth along their respective lines, to cause the best order and propriety to be observed.

Each one of the Presidents shall have a copy of this regulation, and shall cause the captains and corporals to read it at least once a week, and for this purpose they shall make all the copies possible, the Teacher himself, moreover, taking care to read it aloud at least once a month.

The Presidents for all cases which present themselves shall refer to what is prescribed in this regulation.

CHAPTER V

Penal Laws

The punishments which shall be applied to the Children who may commit some fault shall be; to put them on their knees in the School; to keep them under arrest in the same on holidays; to employ them in sweeping and in other cleaning for a whole week, no more; to assign them to the seat of opprobrium until they recover their lost standing; to imprison them in a room or dungeon, which shall be called the warehouse but they shall not pass the night in it. In case any pupil shall be convicted of robbery, within or outside of the School, he shall be punished with six stripes, the same penalty being inflicted upon those who relapse into their faults in lessons or writing after having been a week in the place of opprobrium.

The Teacher shall take care that all punishments be applied to the Children with all possible forbearance and equity, in proportion to the nature of the faults and persistence therein.

Failures in reading, in the copy-books, in accounting, or memory lessons shall be regarded as relapses, if they are repeated within the space of one week.

It remains under the immediate responsibility of the Teacher alone to look out for the most punctual observance of this regulation, as also the only object to which everything is directed, and that is, the advancement and instruction of all the Children.

The immediate fiscal and Judge, who at the same time, shall observe the conduct of the Director and apply to him the punishment which he may merit according to his faults, shall be the Illustrious *Ayuntamiento* from whose sentence appeal can be made only to the Citizen Chief of this Department.

The only punishments which can be applied to the Director either for the infraction of any article of this regulation, or for any other grave fault, relative to his ministry, of which he may be convicted, shall be: 1st, a discount from the salary of the next month, and 2nd, the absolute deprivation of his office, a previous succinct report to this effect having been approved by the Citizen Chief of this Department.

The pecuniary penalty mentioned in the preceding article shall not be less than one dollar, nor exceed six.

This ordinance, before being signed by the Illustrious *Ayuntamiento*, shall be laid before the Teacher of the School, in order that, within the limit of three days, having examined the whole in detail, he may be able to make criticisms which occur to him, which shall either be answered, if they are not thought reasonable, or shall be made use of by addition to or amendment of, any of the rules prescribed by the commission empowered for this purpose.

Refugio de la Garza.¹

Juan Martin de Beramendi.

Jose Maria Balmaceda.

Being carefully informed of what is contained in the foregoing Ordinance, which is to serve for the internal Government of the Public primary School of this City, which is under my control, and not having any reflection to make, I am in agree-

¹The handwriting of this article, as well as that of the following address, seems to be that of Refugio de la Garza.

ment with whatever is prescribed in it and will take care that it be put in practice and properly complied with.

José Anto. Game y Fonseca.

San Fernando de Bexar, 13 of Meh., 1828.

The foregoing Ordinance having been put under general discussion, it has been approved in its entirety by this *Ayuntamiento*.

Capitular Hall of San Fernando de Bejar.

13 of March, 1828.

Ramon Musquiz.

Juan Martin de Bermendi.

Jose Maria de la Garza.

Manul. Flores.

Juan Angl. Seguin.

Victoriano Zepeda,

Sec'y ad Interim.

The education of youth has always been one of the most important bases for the felicity of Peoples, and the prosperity of their Government. The Mexican, who, unfortunately, groaned under the despotic and savage sway of the ambitious sons of Iberia, has never occupied himself in perfecting this most important institution, which would already have placed him on a level with the most cultured nations. The corrupt Government at Madrid only cared to suck up, by whatever means within its reach, the precious resources of the Americas, and studiously and craftily to retard the growth of enlightenment. Nothing, in truth, was more natural than this iniquitous behavior, since the first, increasing its riches, satisfied all the desires of its vain and haughty natural caprice; and the second secured it in the domination of the richest and most productive of its evil-acquired patrimonies, blinding us to the important knowledge of our Native rights.

Nevertheless, the natural empire of the reason, which some day comes to prevail, and the characteristic qualities of all the children of this soil, in union with other joint causes, broke finally the ominous chain which bound us, elevating us to the rank of free men, independent of any other. In spite of this, and of the paternal beneficent institutions of our Present Government, to which belongs the establishment of primary Schools, the spirit of discord which still endures amongst us has impeded it from occupying itself with this, as with other matters that undoubt-

edly make for the aggrandizement of the Nation, all its efforts being employed in assuring our internal and external tranquility, which is doubtless the corner stone of the social edifice.

In spite of all, and in virtue of the ardent desires of the towns, there are already seen in most of them educational establishments for the youth who will form the future generation, which will come to secure completely Mexican Liberties; and among these, although one of the most distant from the center, of the least populous, of the poorest in moneyed citizens, and finally, vexed by the terrifying hostilities which it has suffered from the savages through long periods of time,——¹ has just made a heroic and extraordinary effort, stirred up by several of its citizens, and by that worthy citizen, General Anastasio Bustamente, to make a collection amongst all its citizens, amounting to six hundred dollars annually and lasting for four years, in order to carry to accomplishment the desire which in all time it has had for the education of its youth.

Yes, unfortunate Béjar, truly worthy of a better fate, you are the one which has just given so heroic a testimony of beneficence in spite of your notorious poverty; with difficulty do you commence to lift yourself from the abject state into which you had sunk, thanks to the presence of that philanthropic General and the aid of the Supreme Federal Government.

Be filled, then, citizens of Béjar, with the ineffable satisfaction which is produced by the important services directed to the good of your children, of society in general, and of the adored County to which we belong, awaiting the glorious day in which you may either experience the fruit of your sacrifices for this pious establishment, or in which your ashes may receive a new being, through the eulogies which, without doubt, your posterity will lavish upon you.²

¹The name Béjar was omitted here in the Ms.

²Cox, I. J., *Educational Efforts in San Fernando de Bexar*. In *Quarterly, Texas State Hist. Assoc.*, Vol. 6, 52-63. The original cannot be found.

INVITATIONS TO THE MACLURE SCHOOL

Under this date I communicate the following to the *Ayuntamientos* of Coahuila.

Transmitted to the *ayuntamientos* of this department the 28 of July.

“A new establishment for the education of youth under the direction of Mr. McClure has just been founded in the State of Illinois in the Republic of the North. The annual fee for each child will be one hundred dollars with an additional fifty dollars for transportation expenses. Convinced that scientific education is the base of all well regulated society, and that it is the only powerful and efficient means of giving worthy citizens to the country who shall render her valuable services in all the branches of public administration, the government ardently desires that some of the parents who are able to defray this small expense shall give their sons a complete education, sending them to the aforesaid establishment. It is understood that the government will take them under its protection, and will effectively recommend them to the consul of the United States of America who resides in the port of Matamoros to arrange for their transportation with all possible safety and convenience. They shall also be given a recommendation to the president of the establishment for their welfare and better instruction in the school. The desires of the government are not limited to what has been expressed. It aspires to much more in this important matter. It contemplates sending from this state to that establishment five young men, orphans of reduced circumstances, at least one from each department, whose expenses shall be paid out of the public funds. The government is convinced that no better use can be made of these funds. In virtue thereof I charge you particularly to encourage such parents of that municipality as may wish to give a complete education to their children to send them to the said establishment. And, in order to carry out the purpose of the state government in defraying the expenses of five young men, I would ask you to inform me in detail with regard to orphan children of reduced circumstances who may live in your district. You will submit a report giving their names, their ages, and a statement of who were

their parents, indicating whether they rendered any service to the country, what they were, and the time at which they were rendered. With this knowledge the government will be able to choose from among them such as, in its judgment, should be sent to the establishment of public education.

The satisfaction of the government will be complete when by this means it sees its efforts crowned with success. In order to accomplish its purpose, it counts on your efficient cooperation in a matter to which it has given its serious attention. For this purpose I communicate the same to you, promising myself the most happy results and the earliest possible reply to this communication."¹

And I transmit the same to you for your information and subsequent actions thereof.

God and Liberty. Leona Vicario July the 5th, 1828.

Viesca.

J. Antonio Padilla.

Srio.

To the Chief of the Department of Bexar.²

Transmitted to the constitutional *ayuntamiento* of this city on Nov. 15. 1828. With your official letter No. 316 of the 13th ult., I have received the communication addressed to you by the *ayuntamiento* of that city with regard to parents who are able to meet the expense of educating their children in the new establishment in the State of Illinois, and the list of destitute orphans who may be sent to the said establishment at the expense of the government. In view of the doubts which have occurred both to that honorable corporation and the well-to-do parents of children, I must say:

First, if with a hundred dollars a year their education, their board, and their necessary clothing is provided, the government believes that, in accordance with the urgent proposal made to it on this project by Mexico [a number of pupils can be secured.(?)].

¹A copy of this was sent to the *ayuntamiento* of the city by Ramon Musquiz, Chief of the Department. In place of "Illinois", he wrote "Missouri." Undoubtedly the school was that established by William Maclure in 1825 in connection with Robert Owen's Utopian colony at New Harmony, Indiana.

²Original in the Bexar Archives.

Second, that the children of your department may go to New Orleans either by land or sea and there present themselves to the person designated by the government that they may be conducted, with all convenience and safety, to the State of Illinois.

Third, it is understood that the parents of children have the right to withdraw them from the establishment at any time when they may deem it convenient, be the reason what it may for so doing. The government will take upon itself to inform the president of the institution in regard to this point.

Fourth, when the convenient time for the departure of the children of that department for New Orleans arrives, it shall be arranged that a person satisfactory to the parents be commissioned to conduct the children to New Orleans and from there to Illinois until they are placed in the institution. It would be advisable that besides the instructions which the parents may give him, this commissioner should take the payment for the first year, a hundred dollars for each child, and in addition the sum which may be deemed necessary for expenses by the parents whether this be fifty dollars for each child more or less according as it may be considered necessary.

As this project as regards the expense proposed to be made from the funds of the state for the education of five orphan children of reduced circumstances was submitted by the government to the knowledge of the honorable congress in its last sessions of September of the present year and the honorable legislature did not make any decision, it is absolutely necessary to await the results of the next sessions of the coming year. With their approval, the measures necessary for the complete success of an object to which the government has given its full attention will be taken.

All of which I communicate to you for your information and consequent actions therefrom, in reply to the said official communication.

God and Liberty. Leona Vicario October 28th, 1828.

Viesca

J. Antonio Padilla.

Srio

To the Chief of the Department of Bexar.¹

¹Original in the Bexar Archives.

1832, Dec. 19.

MEMORIAL OF THE INHABITANTS OF BEXAR TO THE HONORABLE CONGRESS RELATIVE TO THEIR GRIEVANCES AND SUGGESTING MEASURES FOR THEIR RELIEF

.....

Many have been the demands of these Towns for the erection of primary schools at the expense of the State, in view of the poverty of the inhabitants and their meagre municipal funds, and never have they been heeded. They have been pacified only by the dictation of laws in which specious regulations have been proposed, but always with the understanding that they [the schools] be paid for with the funds of the *Ayuntamientos*, or that the amount necessary for the support of said schools be raised from the tuition charged the students. This, because it has proved impracticable, has placed the inhabitants of this city under the hard necessity of making up the meagre salary of twenty-five dollars monthly which is paid to a primary school-teacher, the only one they have. By the paltriness of this amount one can infer what class of men there will be, and what advantages can be derived from him in fulfilling the obligations of his position to which, without doubt, the youth owes the foundation of their best civil and moral virtues, and the State its brightest hopes for the future.

.....

Art. 8. That there shall be expended by the Treasury of the State the amount necessary for the endowment of a primary school in the Towns of this department, while they [the towns] raise funds to support it themselves.¹

A SCHOOL REPORT

FREE PRIMARY SCHOOL OF THE CITY OF BEJAR,
Department of Texas

For the first and second halves of the year 1832.

Report giving the number of children in charge of the undersigned, stating the number of those who can read the first chart

¹Translated by Katherine Elliott. Original among the Nacogdoches Papers.

or books, those who begin to write, those who write fairly well and those who write very well.

The students attending are 108, distributed as follows:

1st Chart	2nd Chart	Books	Beginners in Writing	Fair Writers	Good Writers	Total
39	20	----	18	21	10	108
July 11 report. 60	30	28	15	29	14	118

NOTES:—

1st:—No lessons in grammar or geography have been given because the books ordered from New Orleans and other places by the *Ayuntamiento* have not been received.

2nd:—As to arithmetic, those in addition are 12, those who add well and begin to subtract whole numbers 24, and those who add and subtract fractions 12.

This is a copy of report presented Dec. 31st, 1832.

Juan F. Bucheti.

(On the back of the Report.)

On Dec. 31st, 1832.

The pupils number 100, distributed as follows:—

1st Chart	Books	Beginners in Writing	Fair Writers	Good Writers
44	56	29	15	12

As to arithmetic: Those in addition tables are 29, those beginning to subtract 13, those adding fractions 11, those dividing fractions 3.

July 10, 1832.

N. B. As to Arithmetic: Those in the addition tables 20, those subtracting and multiplying whole numbers 24, those dividing fractions 4.¹

¹Translated by Miss Josephine Ella Castañeda and Mrs. Hattie Austin Hatcher.

SUMMARY OF SCHOOL STATISTICS FOR BEXAR

Children					Sources of Information. ¹
Date	Pop. 7 to 16	Pupils	Schools		
1826	1,625	325	...	...	Census, July 31, 1826. ¹
1828	1,425	326	150	1	Census, April 15, 1828. ¹
	1,528	318	147	1	Census, Dec. 31, 1828. ¹
1829	1,501	319	102	1	Census, June 30, 1829. ¹
	1,524	319	50	1	Census, Dec. 31, 1829. ¹
1830	1,621	330	110	1	Census, June 30, 1830. ¹
	1,621	330	110	1	Census, Dec. 31, 1830. ¹
1831	1,634	341	114	1	Census, June 30, 1831. ¹
	1,634	341	108	1	Census, Dec. 31, 1831. ¹
1832	1,637	326	176	1	Census, June 30, 1832. ¹
	1,677	326	176	1	Census, Dec. 31, 1832. ¹
			108	1	School Report, Dec. 31, 1832. ²
1833	1,559	333	85	1	Census, June 30, 1833. ¹
			60	1	School Report, Dec. 31, 1833. ²
1834	1,559	372	99	1	Census Report, Dec. 31, 1834. ²

TEACHERS IN SAN ANTONIO DE BEXAR³

José Antonio Gama y Fonseca, January 1, 1828 to October, 1829.⁴

Victoriana Zepeda, October, 1829 to January 31, 1830.

Francisco Rojo and Bruno Huizar, January 31, 1830 to January 1, 1831.

Juan Francisco Buehetti and Bruno Huizar, August, 1831 to 1833.

Bruno Huizar, 1833 to January 1835.

EDUCATION AT GONZALES

MINUTES OF THE AYUNTAMIENTO

There was a school at Gonzales in 1833. When it began or how long it lasted is uncertain. Almonte does not report a school in 1834.

¹Among Nacogdoches Papers.

²Found in the Bexar Archives.

³Cox, I. J., *Educational Efforts in San Fernando de Bexar*. In *Quarterly Texas State Hist. Assoc.*, Vol. 1, 45-47.

⁴His contract called for four years. See ordinance March 13, 1828.

BUCHETTI EMPLOYED AT GONZALES

Arte. 15th

Jurisdiction of Gonzales May 28th 1833

The Ayunt^o. met in ordinary session present the Alcalde 1st Regd——& Sindico.

Resolved that John Francis Buetti¹ be employed by the Ayunt^o insted of Joseph R. Bedford, Deed., as translator & Secatary and to teach a Spanish School for the term of six months commencing the 1st of June present and be under the controle & protection of the Ayunt^o for which survices we are to pay him two hundred & twenty two Dollars out of the municipal funs.——

J. B. PATRICK, Pres.

ALMOND COTTLE *Sindico*.²

.....
Jurisdiction of Gonzales, July 10th 1833.
.....

Arte. 19th.

Resolved that John Francis Buchetti in respect of his petion are hereby discharged from his employment as Translator, Secatary and School-teacher—which petion be fild in the office.

J. B. PATRICK, President.

ALMOND COTTLE *Sindico*.³

August 26, 1833.

.....
4th. This Ayunt^o—contracted with Dn Francisco Buchetti to serve them in the joint capacity of Secretary, Translator and Master of a public school of the Castillian language at the rates of thirty-seven dollars per month, when displeased at the continual political altercations of the parties, he solicited his retirement and obtained the same.

5th. Whilst the said Buchetti was employed he made some translations and asked the Alcalde for more work which was not given him. . . .

¹For Buchetti.

²Rather, Ethel Z., *DeWitt's Colony*. University of Texas Bulletin, No. 51, 88-89; also in *Quarterly Texas State Hist. Assoc.* Vol. VIII, 182-183.

³*Ibid.*

7th. For not employing a translator, or, school master of the Castilian language the Ayunt^o pleads want of funds and will not make use of any means to raise the same.

Silas Fuqua, 1st Regidor,

To the Political Chief.¹

ENACTMENTS OF THE FEDERAL GOVERNMENT

FEDERAL CONTROL AND THE ESTABLISHMENT OF A NORMAL SCHOOL

OFFICE OF THE SECRETARY OF STATE
Department of the Interior

*The following decree has
been transmitted to me
through the office of the
Secretary of State.*

His Excellency, the Vice-President of the United Mexican States has been pleased to send me the following decree.

“The Vice-President of the United Mexican States in exercise of the supreme executive power makes known to the citizens of the republic the following decree passed by the general congress.

“The government is authorized to regulate public instruction in all its branches in the federal district and territories. To this end a fund shall be created from all those held by the present institutions of learning, and furthermore such additional sums as may be necessary may be spent for this purpose.

José Maria Berriel, president of the chamber of deputies, José Ignacio Herrera, president of the senate, Ignacio Alvarado, secretary deputy, Antonio Pacheco Leal, secretary of the senate.

Therefore I command this to be printed, published, circulated, and given due observance. Palace of the Federal Government, Mexico City, October 19th, 1833. *Valentin Gomez Farias.* to D. Carlos Garcia.”

¹Among the Nacogdoches Papers.

I transmit the same to you for your information and subsequent action.

God and Liberty. Mexico, October 19, 1833.

Garcia.

And I transmit it to you for your information and subsequent action. God and liberty. Bejar, February 15, 1834.

Gonzales. [Rubric]

Circular sent to the alcaldes of Bejar, Goliad, Austin. Libertad, Nacog. and Gonzales.¹

OFFICE OF THE SECRETARY OF STATE
Department of the Interior

NUMBER 56

His Excellency, the Vice-President of the United Mexican States has been pleased to send me the following decree.

The Vice-President of the United Mexican States in exercise of the supreme executive power and the power granted him the 19th instant by law of the general congress, decrees:

Art. 1. That a normal school be established for those preparing themselves to give primary instruction.

Art. 2. A similar school shall be established for women preparing themselves to give primary instruction.

Art. 3. A primary school for children shall be established in each of the six institutions of higher education, and they shall be separated from each other as much as circumstances will allow having if possible, a separate door of entrance; but they shall be under the supervision and care of the president or vice-president of the institution.

Art. 4. Reading, writing, arithmetic, and the political and religious catechisms shall be taught in these schools. The teacher shall enjoy a salary of seventy-five dollars a month, but no quarters will be furnished.

Art. 5. The Board of Directors shall establish in each parish of the federal city where schools of higher education do not already exist similar primary schools for children in which read-

¹Original in the Bexar Archives.

ing, writing, arithmetic and the two aforesaid catechisms shall be taught.

Art. 6. The same shall be done in each parish and sub-parish of the federal district.

Art. 7. The Board of Directors shall also establish subsequently in each parish of the different cities in the federal district a primary school for girls in which they shall receive the same instruction as outlined in article 4, and in addition they shall be taught to sew, embroider, and other useful occupations of their sex.

Art. 8. In addition to these primary schools which shall be supported from the funds appropriated for public instruction, the Board of Directors will be authorized to see that the obligations which some parishes and religious orders have contracted for the establishment of certain schools at their own expense be complied with, and these shall not be considered as free schools.

Art. 9. The Board of Directors shall have power to impose a fine of sixty dollars on each parish or religious order thus bound to support a school if it fails to do so, and the said sum shall be used to establish the said school in the place agreed upon, and which, in the judgment of the Board of Directors is best suited for the purpose.

Art. 10. The salary of the teachers of the two normal schools shall be one hundred dollars a month, with quarters furnished. The teachers shall give instruction in the mutual method of teaching, and they shall teach the Castilian grammar, elements of logic, elements of ethics, arithmetic, and both the political and religious catechisms.

Art. 11. The teachers of primary instruction shall receive a salary not exceeding sixty dollars a month, and they shall be furnished a school house.

Art. 13. The method of mutual instruction shall be put in practice in the primary schools established by the Board of Directors as soon as the necessary teachers can be secured.

Art. 14. In those supported by parishes and religious orders, all endeavors shall be made for the gradual adoption of the same method.

Art. 15. All the schools of the district except the institutions of higher learning shall be under the immediate supervision of a school inspector who will look after them, make frequent visits of inspection, and will report to the Board of Directors anything requiring their decision.

Art. 16. The school inspector shall be appointed by the government from a list of three submitted by the Board of Directors, and he shall receive a salary of 2,000⁰ a year.

Art. 17. In each school there shall be an annual public examination presided over by the school inspector, and at such a time the prizes designated by the Board of Directors shall be awarded to those showing special advancement.

Art. 18. The teachers for the different schools shall be appointed this time by the Board of Directors at the proposal of the presidents of the schools, but in the future they shall be appointed by competitive examination.

Art. 19. The boys and girls who, due to their poverty, deserve to be helped with the necessary school supplies in order to be able to attend school, shall receive such help at the discretion of the said Board of Directors, and the previous recommendation of the inspector of schools.

Therefore I command this to be printed, published, circulated, and given its due observance. Palace of the Federal Government, Mexico City, October the 26th, 1833.—*Valentin Gomez Farias*—to D. Carlos Garcia.”

And I transmit the same to you for your intelligence and subsequent action.

God and Liberty. Mexico, October 26, 1833.¹

Garcia [Rubric]

Decree No. 48

OFFICE OF THE SECRETARY OF STATE
Department of the Interior

The following decree has been transmitted to me through the office of the Secretary of State.

His Excellency, the Vice-President of the United Mexican States has been pleased to send me the following decree.

¹Original in the Bexar Archives.

“The Vice-President of the United Mexican States, in exercise of the supreme executive power in virtue of the power granted to him under this date by law of the general congress authorizing him to regulate public instruction in the federal district and territories, decrees:

Art. 1. That the University of Mexico be abolished and a general board of directors of public instruction for the federal district and territories be established.

Art. 2. The said Board of Directors shall be composed of the Vice-President of the republic and six directors appointed by the government. The Board of Directors shall elect a Vice-President from among its members to act in the absence of the Vice-President of the republic, or whenever he shall be in charge of the supreme government of the nation.

Art. 3. The Board of Directors shall have the care and supervision of all property used for public instruction, the depositories of works of art, antiquities, and collections of natural history, all public funds appropriated for public instruction and all that appertains to it and is paid by the government.

Art. 4. The Board of Directors shall appoint the professors in all the different branches of instruction.

Art. 5. The first time the appointments will be made from lists of three submitted by the superintendents of the different schools. In the future they shall be made by competitive examination according to the form and method prescribed by the regulations.

Art. 6. The Board of Directors shall see that the teachers of schools attend with all punctuality and religiously discharge their respective duties; and that the corresponding deductions be made from their salaries for absences.

Art. 7. It shall make all the regulations with regard to the instruction and economic management of each school; shall put them into execution; and immediately after render a report to the supreme government.

Art. 8. The degree of doctor awarded by the different institutions will be conferred with public ceremonies by the Board of Directors, who will draw up the corresponding diploma and send it to the person to whom it has been awarded.

Art. 9. The Board of Directors shall see that the funds appropriated for public instruction are distributed and spent according to the disposition made by the laws and regulations and that the administrator pays promptly the salaries of his employées.

Art. 10. The Board of Directors shall select the books for the elementary instruction and furnish copies of same, using whatever means it may deem proper.

Art. 11. Every two years, before the opening of schools, it shall consider whether the texts adopted shall continue in use or whether they shall be changed.

Art. 12. It shall present to congress through the minister of public instruction an annual report of the state of public instruction.

Art. 13. It shall propose to the government in case of vacancies a list of three suitable candidates to fill the vacant offices of president and vice-president of institutions.

Art. 14. It shall inform the government whenever presidents, vice-presidents, and professors fail to discharge their duties that it may exercise, if it deem it proper, the prerogative of section 20, article 110 of the constitution.

Art. 15. It shall dictate, after hearing the presidents of schools, the most efficient measures for the regular attendance of the pupils and the performance of their duties.

Art. 16. The Board of Directors shall appoint one from among its members to perform the duties of secretary.

Administration of Funds Appropriated for Public Instruction

Art. 17. There shall be an Administrator General of the funds for public instruction, who will have in his charge the collection and distribution of the funds designated for this purpose.

Art. 18. He shall be assigned a certain percent out of the income collected from the funds under his management, and he will personally meet all the expenses of administration.

Art. 19. All the funds heretofore appropriated for public

instruction, and all those that the government may assign in the future for this purpose shall constitute the fund for public instruction.

Art. 20. The present administrators of funds of the different schools shall continue to perform their duties under the supervision and direction of the Administrator General, and they shall have charge of the funds of their establishments under the securities already furnished.

Art. 21. The Administrator General shall be appointed by the government out of a list of three presented by the Board of Directors, and he shall hold his office working in conjunction with the general treasury of the nation.

Therefore I command that this be printed, published, circulated, and observed. Palace of the federal government, Mexico City, 19th day of October, 1833. *Valentin Gomez Farias*.—to D. Carlos Garcia.’’

I transmit the same to you for your intelligence and subsequent action thereon.

God and Liberty. Mexico, October 19, 1833.

Garcia.

And I transmit the same to you for your intelligence, publication, and subsequent action thereof.

God and Liberty. Bejar April 20th, 1834.

Ramon Musquiz [Rubric]

Circular to the Alcaldes of this department.¹

ALMONTE'S REPORT

COLONEL JUAN NEPOMUCENO ALMONTE

In the spring of 1834 the Mexican Government sent Colonel Almonte to Texas to report on its condition. His mission grew out of the claim put forth by the Texans that they were properly qualified to constitute a state.

“In 1834 there were four municipalities, (in the department of Bexar) with the following population respectively—San Antonio de Bexar, 2,400; Goliad, 700; Victoria, 300; San Patricio,

¹Original in the Bexar Archives.

600, the latter an Irish settlement. Thus the Mexican population had declined from 6,400 to 3,400 between 1806 and 1834.

.....

There is one school in the capital of the department, supported by the municipality, but apparently the funds are so reduced as to render the maintenance of even this useful establishment impossible. What is to be the fate of those unhappy Mexicans who dwell in the midst of savages without hope of civilization? Goliad, Victoria, and even San Patricio are similarly situated, and it is not difficult to foresee the consequences of such a state of things. In the whole department there is but one curate; the vicar died of cholera morbus in September last.

The capital of the department of the Brazos is San Felipe de Austin, and its principal towns are San Felipe, Brazoria, Matagorda, Gonzales, Harrisburg, Mina and Velasco. The district containing these towns is that generally called 'Austin's Colony.' The following are the municipalities and towns of the department, with the population: San Felipe, 2,500; Columbia, 2,100; Matagorda, 1,400; Gonzales, 900; Mina, 1,100; total 8,000.

.....

In this department there is but one school near Brazoria erected by subscription, and containing from thirty to forty pupils. The wealthier colonists prefer sending their children to the United States, and those who have not the advantages of fortune care little for the education of their sons, provided they can wield the axe and cut down a tree or kill a deer with dexterity.

The department of Nacogdoches contains four municipalities and four towns. Nacogdoches municipality has a population of 3,500; that of San Augustine, 2,500; Liberty, 1,000; Johnsburg, 2,000; the town of Anahuac, 50; Bevil, 140; Teran, 10; Tanaha, 100; total population, 9,900, in which is included about 1,000 negroes.

.....

There are three common schools in this department; one in Nacogdoches, very badly supported, another at San Augustine, and the third at Johnsburg.

Texas wants a good establishment for public instruction where the Spanish language may be taught, otherwise the language will be lost. Even at present English is almost the only language spoken in this section of the republic.¹

PART II—ANGLO-AMERICAN EDUCATIONAL EFFORTS

BEGINNING OF THE ANGLO-AMERICAN SCHOOLS

The materials dealing with the first Anglo-American educational efforts are found in advertisements in the few early newspapers, in letters among the Austin Papers, and in various reminiscences of pioneer settlers. The list of the schools conducted, gathered from many sources, probably does not contain all that were taught. It must, moreover, be remembered, in reading these materials, that much of the teaching at this time was done in the homes by the parents, and also, that the more wealthy inhabitants usually sent their children for training back to the States to schools which eagerly sought their patronage. The question of what was the first Anglo-American school in Texas cannot be answered positively from the data so far collected. It is clear, however, that the statements of historians in regard to this point have invariably been in error.

NOTICE IN ST. LOUIS ENQUIRER

September 25, 1819

THE TEXAS REPUBLICAN

We received by the last mail a newspaper under the above title, the first Number dated Nacogdoches, August 14th, 1819. In the first year of the Republic of Texas.

It is principally occupied with the military and political operations going on in that quarter.

We observe, however, some advertisements which display a disposition to improve the condition of the country. One which requests the citizens of the town and neighborhood to meet at the house of Mr. Cargill to choose trustees of a seminary of learning; another which shows that a Mr. Madden has engaged in building a grist and saw mill.

These are strange things to be seen in a Spanish town, a news-

¹Lan, John J., *Reminiscences of Fifty Years in Texas*, 97-103.

paper called Republican; the citizens attending to the establishment of a school; mills building.¹

A TEACHER'S CONTRACT

Natchidosche *Articles of an English School* to be taught in this place by Thomas Jefferson Garner. We the under subscribers do obligate ourselves to find said T. J. Garner a Sufficient House to Teach in, his Board Such as Common diet and Lodging—Firewood and fuel for the Benefit of the School and one dollar & fifty Cents a month for Each Scholar two thirds of which may be discharged in young Cattle, (Bulls Excepted) at Market price the balance of one third will be discharged in Cash—the Said Garner by his Father will continue the School the full term of twelve Months. Every Saturday & Sunday Excepted and Said T. J. Garner, by his father will keep good order in his School with & by the assistance of the Parents and Guardians of the Said Children who is committed to his charge, the School to Commence as soon as the Said Thomas Jefferson Garner may or can Arrive in this place from the U. S. of America—& the Said Garner by his Father Jas. Garner will use the utmost of his Abilities to Teach their Children in Spelling, Reading writing & Arithmetic as his abilities admit & they capable to Receive in Testimony whereof we the under Subscribers have Set our different hands with the number of Scholars annexed hereto Any widow in indigent circumstances—under good Report of her Neighbors—her child or Children Shall and will be taught grattis—whereof we have Interchangeably Set our Different hands this 29th Day of Nov. 1825.

James Garner on the part
of his son T. J. Garner.

N. B. if at the end of one quarter of a year the Employers shall not approve of the conduct of Said T. J. Garner, the School will be dismissed after paying Said Garner for his time²

¹Winkler, E. W., *The First Newspaper in Texas*. In *Quarterly Texas State Hist. Assoc.*, Vol. VI, 162-163.

²James Garner practiced law in Miller County, Arkansas, and also at times in Nacogdoches, Texas. In July, 1826, "Jefferson Garner" was cited to appear as a witness before the court. It would appear from this that the contract was complied with.

Among the Nacogdoches papers.

FIRST SUNDAY SCHOOL IN TEXAS

THOMAS J. PILGRIM

Pilgrim reached Texas late in the year 1828. He settled at San Felipe where he set up school in 1829. He taught in Texas many years.

In the Fall of 1828, I started from the western part of the State of New York for Texas. A gentle breeze and fair wind sprang up, and soon we were off the mouth of the Colorado, and within two miles of Matagorda, which then contained two families, who had lately moved down and commenced a settlement.

I soon engaged in teaching¹ and succeeded in a short time in raising a school of about forty scholars, mostly boys, with expressive and intelligent countenances who were easily controlled, and some of whom gave indications of future greatness and usefulness. Contemplating, in imagination, what Texas, from its great natural advantages, must soon become, I felt the necessity of moral and religious, as well as intellectual culture, and resolved to make an effort to found a Sunday-school. Notice was given through the school, that on the following Sunday an address would be delivered on the subject and I was gratified to see at the time appointed, a large and respectable audience assembled. An address was delivered; they seemed to feel interested, and on the following Sunday a school was organized of thirty-two scholars. There were not lacking intelligent gentlemen and ladies to act as teachers, but of the other appurtenances of a well-regulated Sunday-school we had none. This lack was supplied, as best it could be, by contributions of the citizens of such books as they had, and by the oral instructions of superintendents and teachers.

The next Sunday found the school under way, and giving promise of great success. A lecture was delivered each Sunday morning, intended for both old and young; and to hear these lectures, people came from the distance of ten miles; and as this town was the capital of the colony, many people were sometimes in attendance from different parts of the country, who

¹At San Felipe de Austin.

carried the good seed here sown all over the colony. This school, and these morning lectures, were continued regularly, and well attended until a difficulty occurring between some intelligent Mexicans visiting the place from the interior and some citizens growing out of a law-suit which was decided against the Mexicans, the empresario deemed it prudent to discontinue them for a time, as these Mexicans could not be decieved in relation to the character of our exercises, and it was well known that we were acting in violation of the colonization law, which strictly prohibited Protestant worship and prohibited Austin from introducing any but Catholics as colonists.

Now let us for a moment contemplate this little Sunday-school. In a black-jack and post-oak grove near the center of the town is a rude log cabin about eighteen by twenty-two feet, the roof covered with boards held down by weight-poles, the logs unhewn, and the cracks neither chinked or battoned, a dirt floor, and across it are placed several logs hewn on one side for seats. At one end stands the superintendent, a mere stripling, and before him are about half a dozen gentlemen and ladies as teachers, and thirty-two children, without any of these appendages which are now considered necessary to a well-conducted Sunday-school. Forty-five years have passed since the organization of that little Sunday-school, and now on a Sunday morning of a pleasant day 60,000 children are assembled in our beloved State, under the guidance of 10,000 intelligent and, for the most part, pious young gentlemen and ladies, with a good supply of papers and libraries written by the ablest divines of our age, and containing interesting biographies, and the very pith and marrow of Christian theology. Surely we may exclaim, What hath God wrought? That same superintendent still lives and still labors in the delightful task of training the young in the Sunday-school, and as he contemplates, in imagination, the five and a half millions of children now being trained in the Sunday-schools of the United States, and then looks forward down the long corridors of time when these children shall be actors in the great drama of life, he sees the dawn of that happy day foretold by seers and prophets when the knowledge of God shall cover the whole earth, the lion shall lie down with the lamb, and "the

wilderness and the solitary place shall be glad for them; and the desert shall rejoice and blossom as the rose”.

I would here correct one erroneous impression in relation to the character of the early settlers of Texas. Many believe they were rude and ignorant, with many vices and very few virtues, and for the most part refugees from justice and enemies to law and order. That there were some rude and illiterate people among them is no more than may be said of almost any society, and that some were vicious and depraved is equally true, but what there was of evil you saw on the surface, for there was no effort at concealment and no reason to act a borrowed part. Assassins, if there were any, appeared as such; now they often appear in the guise of gentlemen, that they may conceal their true characters and accomplish their object. No one estimates more highly than the writer, the intelligence, enterprise, and virtue of the present population, and yet he fully believes there were in the early history of Texas more college-bred men in proportion to the population, than now, and as much intelligence, good common sense, and moral and religious culture among the females as among the ladies of the present day. Many had moved in the higher circles of our large cities, and some had filled stations of honor and responsibility. Some were incited to emigrate by a spirit of enterprise and romance, and some, having been unfortunate in their pecuniary enterprises, sought to improve their circumstances in a new country, and not a few were the votaries of health who, unable to endure longer the rigors of a cold climate, sought relief in the sunny climes of the South. If they had failings, let us throw the mantle of charity over them, and let their acts proclaim their noble virtues. When Texans took up arms against Mexico, it was in the maintenance of right guaranteed to them by the constitution under which they had been invited to settle, and their population did not exceed 35,000; and does it not argue great energy, enterprise, and courage in their small numbers to take up arms against 8,000,000, and, with few resources except their own courage and power of endurance, to win the day?

A kinder and more hospitable people, perhaps never lived. . . .

New Englanders have always been proud of their Christian

ancestors who bequeathed to them so rich an inheritance, and well may the present generation of Texans look back with gratitude and pride to those noble-souled heroes who by their toils, energy, self-sacrifice and daring, won and bequeathed to them the fairest land on which the sun ever shone. A few of these old heroes still survive and move among us as mementoes of the past, their heads whitened with the frosts of many winters, and their steps tottering with the weight of years. God forbid that they should ever feel want where plenty abounds, and that the sun of their brighter days should set behind the dark clouds of sorrow.

T. J. P.¹

AN EARLY NEWSPAPER ARTICLE

EDUCATION

FOR THE TEXAS GAZETTE

Having offered a few remarks in a former publication, on the general advantages of education, I now allude again to the subject as one with which are closely connected the best interests of our infant colony. We are here situated on an interesting & highly favored portion of the earth, where the God of nature has scattered choicest blessings in rich profusion. A temperate climate, salubrious atmosphere, and fertile soil, together with its natural advantages for commerce, all unite to render it by nature one of the most delightful and eligible situations in the world, and promise fair to reward with a luxury of abundance the toils of the enterprising and industrious. The forest already recedes by the labor of the axeman, and fine plantations, and houses stored with plenty, brighten the prospects and administer to the necessities of the weary traveller.

We have most of us who have emigrated hither, experienced in some degree, at least, the benefits of mental improvement: we have felt the most endearing ties of sacred friendship, and have seen harmony and good order prevail in society; blessings which we know how to duly appreciate and highly prize. And while

¹Baker, D. W. C. *A Texas Scrap-Book*, 69-76.

we are here enjoying the bounties of a Government, unparalleled in the history of republics for its liberality and munificence toward foreign emigrants, shall we not make an exertion to do something efficient for ourselves and our children in the all-important subject of education, and moral improvement. The paralyzing hand of time is fast consigning to the dust from whence they were taken these mortal bodies of ours, while our immortal spirits ascending triumphant will soon leave to our children the places which we at present occupy in society; and upon their characters and conduct will depend the future prosperity of this rising country, as well as their own honor or infamy, their happiness or misery. It cannot be expected that the present inhabitants of Texas will do much more than to lay a permanent foundation for the future value and usefulness of this country, as a part of the great Mexican confederation; it is therefore from the rising generation that the Mexican Government, will expect a remuneration, for the lands and privileges received by their fathers. Every candid, honest and honorable emigrant, who removes here with pure intentions, and receives the bounties offered by the laws, must acknowledge that he contracts a debt of gratitude to the Government; a debt which can only be cancelled by the strict observance of the duties and obligations which he voluntarily takes upon himself, by the act of settling in the country, and taking the oath to support the constitution. Among these obligations, there are none of a more sacred nature, and which we are more implicitly bound, in reason to obey, than those which enjoin upon us a strict attention to the education of youth; for virtue and intelligence have been found in all ages of the world, to form the broad basis of national prosperity; they are, the life & essence of every wholesome Government, but especially of a republic. Attention to the education of our children is therefore a public and patriotic, as well as an individual and parental duty.

But of the importance of this subject parents appear already to be mindful; and it is highly creditable to the enterprise and good feelings of many of our citizens, to say that they have already exerted themselves for the benefit of the rising generation

to the very extent of their abilities. They have manifested a determination that their children should not grow up, to enter the world with minds beclouded by ignorance and understandings perverted by error.

But much property has hitherto been expended for learning which has been of no avail, and what is of far greater consequence, the precious time of children, has, in many instances, been worse than lost for the want of some regular and established plan in the system of education; schools have often been commenced in different parts of the Colony under the most inauspicious circumstances, and with but little prospect of success. Teachers have not received that compensation for their services which would justify them in devoting to the interests of the school, their constant and undivided attention: and no sooner has some more pleasing and lucrative employment offered, than they have been discontinued before any real, and permanent benefit could be derived from them; leaving parents, in most cases, with but one alternative, either to take their children from school or to employ those teachers with whose character and literary qualifications they must have been entirely ignorant. And if they even succeed in obtaining these, much time is requisite for the teacher to secure the respect and esteem, and to learn the dispositions and capacities, of his scholars, without which, he can never expect to be of any great benefit to them. Thus it is a fact, that notwithstanding the exertions of parents to the contrary, much time is not only unhappily lost, but their best exertions are paralyzed. Children have, by this means, become heedless and inattentive, indolent and fickle in their habits; and instead of being delighted with study, and animated to the most vigorous exertions for the acquisition of useful knowledge, their minds have been disgusted, and happy will it be if, despairing of finding that satisfaction which they were encouraged to anticipate, they do not turn to meaner pursuits to the mortification of their friends and to become a nuisance to society.

The minds of children when young are vigorous and active. They press forward with ardor and resolution in whatever pursuit they are taught to engage, and when once frustrated in their plans, frequently turn with renewed vigor to a course directly

opposite. Here the mind receives that stamp which will continue to their latest days; those impressions are made which will have a decided influence in forming their characters, and determining their future course of conduct. If the desire of knowledge has been early produced, it will be easy to pursue that plan by which the intellectual faculties will be constantly developing, and the mind trained for thinking clearly, and reasoning correctly. But if a habit of study has not been formed at this tender age; if no desire for mental improvement has been produced; if the noblest faculties of the mind have been suffered to lie dormant, and the child to imbibe errors, either from the bad examples of parents, or from the neglect or ignorance and incapacity of common itinerant self-styled "School Masters," the most faithful teacher may afterwards find by sad experience that his best endeavors prove altogether ineffectual. For habits when once thoroughly established, are like the sturdy oak of the forest, which cannot be easily eradicated. And as proof of this, go to the wild and untutored savage of the wilderness and argue with him upon the necessity of a change in his condition; convince him that he is destitute of all those comforts and conveniences of life, which are enjoyed by civilized and enlightened nations, and what will be his reply? He will tell you, take our children and instruct them; teach them your habits of life; learn them to cultivate the soil and to practice the useful arts, but as for us, the forest has been our home and we will still delight to wear the blanket and chace the timid game.

Ask the swearer, the gambler, or the debauchee if he can justify himself in the course of conduct he is pursuing, and he will frankly tell you "no;" inform him that he is squandering his property, injuring his health, blasting his reputation, disgracing his friends and rearing his family to be vagabonds, and he will readily admit the correctness of your reasoning and the justice of your conclusions, while he is still influenced by habit to act contrary to his better judgment. If, therefore, we wish to pursue such a course of conduct with our children, as will enable them to form amiable and upright characters, we must early commence and pursue some regular and established system. This however can never be done under the plan of com-

mon schools, heretofore adopted in this colony; for however moral and dignified may be the conduct and deportment of parents, and how worthy soever of imitation the examples they set before their children at home, their influence is totally or measurably lost in a common country schoolhouse, where ignorance and unpolished, or savage manners are too often found in the Teachers, and disorder, want of subordination, and noise, and confusion in the scholars. The necessity and importance of a regular and permanent system of education is acknowledged by every enlightened man, all over the world, and that such a system can with propriety, and ought to be established in this Colony, I will endeavor to show in another number.

PHILOM.¹

EXAMPLE OF A SCHOOL ADVERTISEMENT

Notice.—The subscriber respectfully informs his friends and the Public, that he has lately removed his SCHOOL, for its better accommodation to the settlement of McNeil, and Westall in Gulph Prairie. A commodious House has been erected, very eligibly situated being surrounded by beautiful shades, and but ten miles distant from the Gulph shore, with no timber between to prevent a free circulation of the Sea Breeze, and no stagnant waters near to render it deleterious to health. Scholars wishing to attend from a distance can be accommodate with board and washing, in a number of respectable families, from six to ten dollars per month.

Terms of Tuition.—Reading and Writing, \$2. per month; English Grammar; Geography, Rhetoric, History, Composition, Aritomaic, Natural Philosophy, Languages, and Mathematics, \$4.00 per month. A strict attention to the interests of the School is faithfully promised, and the public patronage humbly solicited by

Jan. 15, 1830.

THOMAS J. PILGRIM.²

¹*The Texas Gazette*, November 7, 1829.

²*The Texas Gazette*, January 23, 1830.

PLANS OF STEPHEN F. AUSTIN FOR EDUCATION

Austin, the founder of the first American colony in Texas, reached the State in 1821. Born in Virginia, he was educated in Connecticut, and at Transylvania University, Kentucky. Through the eventful and turbulent years of his life he cherished a deep regard for education, and evinced a constant desire to promote schools.

PROJECT OF A CONSTITUTION FOR THE REPUBLIC OF MEXICO.
FORMED BY STEPHEN F. AUSTIN OF TEXAS,
CITY OF MEXICO, MARCH 29, 1823.

CHAPTER I.

CONSTITUTIONAL AND FUNDAMENTAL MAXIMS

.....
Art. 26. Despotic Governments have endeavored to keep the minds of the people in darkness by prohibiting the introduction of books prescribed for their liberal principles. Free Governments on the contrary have thrown open the door for the admission of all without exception, and experience has fully proved the beneficial effects of this liberal policy in enlightening the people, who, very soon discriminate between any evil, irreligious, or immoral doctrines which such books may contain, and the pure and virtuous ones; rejecting the former, and profiting by the latter. All restrictions or prohibitions therefore on the introduction, sale or reading of books, are calculated to prevent the diffusion of intellectual light, and knowledge: to retard the improvement of the Nation, by perpetuating ignorance, Superstition and servile principles, and are at variance with the genius of free institutions, and shall never be imposed under any pretext whatever.

Art. 27. A nation can only be free, happy and great in proportion to the virtue and intelligence of the people; the dissemination of usefull knowledge and of the arts and sciences is therefore of primary importance to national liberty & prosperity, and to affect this great object, it shall be the duty of Congress to provide by every means in their power for the speedy establishment of Schools, and academics and colleges throughout the whole nation for the instruction of youth & children.

OF THE POWERS OF CONGRESS

.....

Art. 25. To establish a general system of education and to appropriate the public funds or any public property for the endowment and support of schools, academies and colleges or other literary institutions.¹

.....

LETTER OF BUCHETTI TO AUSTIN

Buchetti taught in Bexar from 1831 to 1833. Later he was employed as teacher and translator in Gonzales.

State of Leon, Parish of Lamparros, April 29th., 1826.

Dear Sir:

I have already sent you a few lines from Laredo giving you notice of my purpose and intentions of going to your Colony, the which, I hope, you have received.

.....

After having made known to him² my intentions and & by letters from this place I have received his answer in a letter, written in Chapter, which not only approves my purposes, praises my motives; but also encourages me to go amongst you with the Curate, who is shortly to be sent thither, in the capacity of his assistant to-wit: 1, *in licitis*, as his lawful interpreter for church affairs, 2, as the sacristan *a Secretis*, which implies steward, or clerk of the depending Branch there of the Episcopal church—, 3, as the public teacher of the Roman Catholic Doctrine and Dogmas in favour of the Anglo-americans Catholic of your colony and, pro tempore, of those of its vicinity.

Credential Letters patent of Licentiated commission are not only promised me, but I am even requested to accept of them to enable me to discharge legally those 3 offices. As for my maintenance, or Salary, as well as that of the Curate, I know not as yet how much it will be agreed upon or from whom it will

¹Among the Austin Papers. Whether this proposal of a constitution by Stephen F. Austin had any influence on the formulation of the Mexican Constitution adopted in 1824 is highly conjectural.

²The President of the Ecclesiastic Chapter.

be afforded whither from the Colony or from the See? But for my part, I will try to make my arrangements with the See on that point.

.....
John Francis Buchetti.

P. S. in case you should desire me to receive your commands on any subject, you will direct your letters to me

But, Dear Sir, I was forgetting to observe to you that it would be very proper (if you have not already thought of it) for you to procure a Small Assortment of english Roman catholic approved books, for the use of the people of your Colony and of those of its vicinity, for every families besides the schools will be obliged to have more or less of them.

I thought advisable to enclose you the anexed List of those I think the most necessary and useful in the several cases of the people of your own and of the other colonies;

.....
And also a small collection of Spanish-English et vice versa. Dictionaries and gramars for the schools among which if you procure me Ainesworth's Latin and English Dictionary, I will at my arrival, pay you well for it. . . .

.....

Sir,

I remain yours &

J. Feis Buchetti.¹

(Here follows a list of sixteen approved religious works which are to be secured.)

BUCHETTI TO WILLIAMS

Hacienda de Carrizal, the 8th
November 1827

Mr. Samuel W. Williams;

Dear Sir:

I have received your esteemed of the 10th of September by the way of Mr. Ybarra and to which I answer albut immedi-

¹Among the Austin Papers.

atly. I learn in it, that you are very busy, and that the colony has sufered a good deal of feaver, and that you have wrote to your friends for the seeds in question &. Colonel Austin is here, *en Saltillo*, and has talked with Ybarra on the subjet of the seeds. and I too, I had three large conversations with him on the subject of my former letters to him advising him that I had renounced my project of going to the brazos as a minister, and &; he upon the whole, was very satisfied with me. But he told me that he should be glad I would go thither to establish a Spanish School, that he had solicited a Spanish Master for that purpose in the U. S. and could obtain none, that, at his arrival, he will try, (according to his wishes) to form a School. to Justify a teacher, and he would write me the result. and that in the mean-time I would continue to write you both from time to time.

.....
 Juan Francisco Buchetti.

(Addressed)

Al Sor. Dn- Samuel W. Williams
 Administrador de Correo
 En San Felipe de Austin
 En los Texas.¹

PROPOSED DECREE ESTABLISHING A SCHOOL

The Congress of the State of Coahuila and Texas have thought proper to decree as follows:—

Considering Education as the basis of good morals of good order and of the Republican System of Govt. and seeing the necessity there is for the establishment of a Semenary at the Town of San Felipe de Austin in Texas for the purpose of instructing the Children of the new Colonists who have emigrated to that point in the Spanish language, Therefore it is decreed

1—That a Seminary of learning shall be established at the said Town of San Felipe de Austin in which shall be taught the various branches of Education.

2. The Said Seminary shall be under the direction of 13 trustees who may be appointed yearly by the Auuntamiento of

¹Among the Austin Papers.

said Town of San Felipe de Austin: and the said trustees may appoint a president and secretary and treasurer, and shall employ all the teachers and make rules and regulations and Bye laws for the Government of said Seminary and have the control of the funds belonging to it and appropriate the same for the use and benefit of said Seminary.

3. Until there is an Ayuntamiento at the said Town of San Felipe de Austin the above named trustees shall be appointed by S. F. A., the Judge commissioned to administer the municipal government of said Town for the present.

4. For the endowment of said Seminary with funds there is hereby granted to it the quantity of Six Leagues of land to be selected by the said S. F. A. in such size tracts as he may deem most advantageous and in any part of the Country not otherwise disposed of East of the Colorado River in Texas. An entry of Said Selections shall be made in the Archives of the new Colony on the Brazos & Colorado at the said town of San Felipe de Austin and a certified copy thereof shall be sent to the Governor of this state who shall file the same in his office as an evidence of said entries.

5. The said Seminary shall form a Body Corporate under the name of the Seminary of Austin and may have a Seal and buy & sell property and sue and be sued.

6. The treasurer of said Seminary shall publish annually an a/c of all the receipts and expenditures of said Seminary for the information of the public.

Decree of Coahuila & Texas concerning Education.¹

AUSTIN TO J. H. BELL

Feb. 24, 1829.

.....
Mr. Pilgrim proposes to teach a school. I am pleased with him so far as I have been able to judge. My opinion on this subject is that we should all unite with a view of establishing a permanent Academy at this place. If we now commence on this basis, I have no doubt of succeeding, and if the subject is pushed and properly laid before the Govt., I have no doubt of

¹Among the Austin Papers. The date is not given; it was probably prior to 1828.

obtaining a liberal endowment of funds. I fear that a division in the minds of the people as to where the Academy ought to be located would totally defeat the object, and for this reason I am in favor of engaging Mr. Pilgrim to establish a school here permanently and that measures be adopted without delay to raise funds by subscription for a suitable house, large enough to accommodate about 100 scholars. I have drawn a plan which I send you.

This subject is a very important one, it has always been a favourite one with me, and I think an effort should be now made to get the school under way; it can be added to afterwards—in fact it will naturally increase as its reputation becomes known and I fear that if the present opportunity passes of getting a permanent teacher another may not offer so on. I will, however unite in support of any general plan to establish schools, which will do the most public good.

.....
 Your friend,
 S. F. Austin.

BELL'S REPLY TO AUSTIN

.....
 I received your letter on the subject of establishing a school, and have spoken to the people. Generally they are all willing to give it liberal support but object intirely to sending their Children to San Felipe—in fact they are so disgusted with the proceedings at that place that there is nothing that Centers there that they will have anything to do with—as to my own part I would do any thing that a majority might think best.....

.....
 J. H. Bell.

March 13th, 1829.

AUSTIN'S REPLY TO BELL

San Felipe de Austin, March 17, 1829.

.....
 It is the interest of each man who lives in this colony or in this section of the country to encourage the improvement

and advancement of this town. The day will come when a selection must be made for the seat of Govt. of Texas. The people of this jurisdiction should keep this object in view and by pushing forward this place pave the way to its location here. If we can get decent public buildings and an Academy &c under way and have the place otherwise improved so thus to afford comfortable accommodations, this place stands a better chance to be the seat of Govt. than any other point in Texas. . . .

The Academy is a very important matter & I hope you will aid us from that quarter of the country. If we can get it under way I have no doubt the Govt. will aid us. I will devote a great deal to this object if it goes on, for independent of the good that will result to the children of the Colony, it will give a favorable character to it abroad.

.....

Your friend,
Stephen F. Austin.¹

MARTIN TO AUSTIN

Dr Sur

Their was handed me by Mr Jamson several letters plan subscription for an Academy which I handed to Cpt. Martin Re Jones as directed for their deliberation Cpt. Martin rather) caused for some time before he gave any opinion about it he finally observed he should not feel safe to subscribe to the bond as he had no faith in the present Ayuntamiento body and not knowing who would succeed them therefore he did not feel safe in vesting his money in their hands nor should not tho he observed that he would contribute as much to that Institution as any other person of his abilities provided it could be established on a fair and satisfactory basis and the same opinion prevails throughout this neighbourhood there has been so many complaints about the past conduct of the Ayuntamiento that it appears to me to be all most out of the question to do any thing of a public nature through them of that kind for to make them men appear responsible and adequate to establish an Institution of that kind

¹Among the Austin Papers.

and by donatisions from the itinerrant settelars of this colney it would be as esey to make the peopel beleave that black was whit the contrast would be equly as grate for Equity has been harrowed like the Irishmans hors by the tail Backwardes to much for them to be the sole managers of so benovelant an Institutision as that their is a rumor affote that the Ayuntomento has introdused a projecte of a law to rais \$5000 by a direct tax in this colney for publick porposes if so and I was allowed my opion I should say they would have rather to grate an overpluck of business to attend to for if you will vu their past projects collectively and impartially you might see that it would prove abortive for the worst prejudiced designing moralist will ever be foremost to thrust themselves into power is a matter desided heir and the result will bring ruin upon themselves and the unhappy few over whome they may preside consequently I do not feel an'inclination to have aneay thing to do with the Academy thru them exclucify I dont feal like I could stand the Exceratisions that would be heeped upon me for what I might expect to get for it under the preasant circumstances not withstanding aney thing that coms in the vue of my weak faculteys that I can render you in establishing that Institution upon a permencant and Ecquitable basis is intirly at your Service and as I have no disposition to animeadvert on the past grievances or throw aney obstrucktision in the way I will name the ought lines of a course by which I think in all probility it might be established to the general satisfaction of the whole with the exceptsiion of a part of the Ayuntemanto body that is if you will take it upon your self to nominate 7 or 8 or more persons in the different parts of the Colney to inquire into the utility of such an instutision and the requisit buildings and let them act as a commitee of wayes and means in the first instance they could decide by vote on the most important point which would be wheather we would have such an institution in the Colney or not I will venture to Say that their is not aney person in the Shape of a human that had ever wore aney garbe larger than a britchelout in this colney but what would approve of Such an institution again they could appoint or elect Trustes treasurer—auditor colector etc and one of the ayuntamiento

bodey might act as such when they would have a fare Chance to sho what the Government would do in the first Instance and thru them which would be the most esential thinges in order that the trustes might proceed leagely and upon a fair basis with regard to the plan you Sent me I will be better abel to do something with it when I See you when I get a crop planted I will try to come up and See you) you may think my answer to you rather ruff and evasive but I pledg you my word it is not with aney desine to procastinate your desine or throw the least obstical in the way that would have a tendancee to cast a shade over workes of so much utility I must theirfore enjoin on you to excuse my weak epistle as you know I am no Solomon or Scribe

Yours Respectfully

Bm Martin

S. F. Austin

March 25th 1829¹

AUSTIN TO BELL

In a letter to J. H. Bell written April 16, 1829, Austin gives the following account of his efforts:

.....

Our academy subscription goes on very well there is over thirteen hundred dollars subscribed and I think we shall be able to get a brick building. I am anxious to see the matter succeed for I think it will be attained with much public good.

.....

Yours,

S. F. Austin.¹

STEPHEN F. AUSTIN'S PLAN OF A COLLEGE

H.[onorable] C.[ongress]

The colonies which have been planted in the unsettled portions of Texas by the first undersigned petitioner—under the protection and auspices of the government—having happily flourished,

¹Among the Austin Papers.

the colonists, begin to find themselves in that advanced state which demands the establishment of certain institutions fitted for settled countries. Among these, public schools for the teaching of modern languages, and especially that of Spanish, are of prime importance. These colonies are composed of both foreigners and Mexicans; and the necessity for disseminating the national language among the former is evident. They themselves are fully convinced of this necessity and have made various efforts to found a school by means of voluntary contributions. Up to this time, however, these efforts have had no successful outcome—not because of a lack of willingness to contribute, but for the want of a legal and permanent arrangement which would give a legal existence to the institution and assure the protection of the government and of the laws, and the faithful use of the funds contributed for the charitable objects and public uses intended by the donors. For the purpose of overcoming this obstacle, and seeking the general good of the state, which will be greatly advanced by the establishment of a literary institution—and particularly one whose principal object is the extension of the national language among a portion of the inhabitants of the state who do not know it. The undersigned deputies from Texas have the honor to present for the consideration of Your Honorable Body, the preamble and outline of the following decree:

Realizing the importance of encouraging, by every possible means, the teaching of the Spanish language in the new colonies of Texas; complying with the desires, expressed by the inhabitants of the principal one of these, for the founding of a school of Modern Languages by means of voluntary contributions; and wishing to give a legal existence to the said institution by placing it under the protection of the government and of the laws—thus assuring the careful application of the funds to the beneficent purposes intended by the donors—the Congress of the State of Coahuila and Texas has thought well to decree the following:

Art 1. The establishment of a literary institution in the town of Austin,¹ Texas, under the protection and direction of the government, to have the name Institute of Modern Languages is authorized.

¹San Felipe de Austin.

Art. 2. It shall be endowed with unappropriated lands belonging to the Department of Bexar, and with such funds as may be voluntarily contributed by private individuals.

Art. 3. It shall have one rector, three professors, a treasurer, and a board of directors, which [board] shall be composed of the curate of the said town, of the rector, of the three professors, and of six directors whom the chief of the department shall name from the twelve proposed by the *ayuntamiento*.

Art. 4. The six directors named in the list of the *ayuntamiento* and not selected by the chief, shall be alternates and shall fill such vacancies as may occur in the order in which their names come in the list as arranged by the chief. All shall be chosen anew in the month of March of each year. Members shall be eligible for reelection and free to accept or refuse a new nomination only in the second year as the office is held like a municipal office.

Art. 5. The rector shall be the president of the board of directors and shall have general supervision over the professors, the employees, the pupils, and the business of the institution in all its branches and departments. He must know the Spanish and English languages.

Art. 6. Of the professors, the first shall be the teacher of Spanish, the second, of English, and the third, of French; and they shall teach the pupils to speak, read, and write the elements of these languages.

Art. 7. In addition to the three languages mentioned, arithmetic, geography, mathematics, history, rhetoric, constitutional law, philosophy, astronomy and chemistry shall be taught in the institution. These studies shall be distributed among the rector and professors in the order prescribed by the internal rules of the institution.

Art. 8. The board of directors shall have a secretary selected from its own body by a plurality of votes. The duties of the board shall be as follows:

1st. To manage all the lands and funds of the institution.

2nd. To name the rector, the professors, the treasurer, and all the inferior employees of the institution.

- 3d. To draw up the rules for the organization and government—both internal and external—of the institution in all its branches and departments; to fix the duties and responsibilities of the rector, the professors, and the other employees; and to designate their salaries, provided that neither the rector nor the professors shall have a vote in fixing or changing the salaries of any of the four position they may occupy.
- 4th. To receive with the knowledge of, and through the *ayuntamiento* the gifts or voluntary contributions to the general funds of the institution, or to any particular branch—be it lands, money or goods.
- 5th. To decide about the building of houses and chapels or the making of other improvements, and about the buying of books and instruments as far as the funds will permit and as circumstances require.
- 6th. To establish a department separate from the main building for the education of girls, and to form rules for its conduct.
- 7th. To adopt a seal for the institution.

Art. 9. The institution can sue and be sued through the president of the board of directors.

Art. 10. On the first Monday of the Month of February of each year, the secretary—after due approval by the board—shall present to the *ayuntamiento* an exact account of the management of all the funds which may be under the charge of the said board. This account shall be placed in the archives, one copy shall be published, and another shall be sent to the chief of the department. The rector, likewise, shall present an account of the branches under his charge. This also shall be placed in the archives, a copy published and one sent to the chief of the department.

Art. 11. Each director and employee of the institution shall be responsible with his own private property—and that too in preference to any other liability or debt—for any misappropriation or fraud in the administration of the funds of the institution which may either be committed or knowingly permitted; and they may be called to account for the same, in favor of the

institution, by the *ayuntamiento*, or by any of the directors, employees, or any citizen.

Art. 12. The governor of the State, the chief of the department, the chief of the district, and the *ayuntamiento* may visit the institution whenever they may consider it proper; and the *ayuntamiento* must visit it each year during the months of February and October; and shall give an account to the government, through the proper official, of the result of this visit.

Art. 13. There shall be ceded in full possession to the said institution eleven *sitios* of territory from the unappropriated lands in the Department of Bexar lying along the San Jacinto, the Brazos, the Colorado, and the La Vaca Rivers or in their vicinity. They shall be outside the limits of the ten littoral leagues along the coast. The directors shall choose the said *sitios* all together or separately, as may seem best to them. The title to the same shall be issued by the chief of the said department upon the request of the president of the board of directors.

Art. 14. The lands conceded by the previous article can not be leased for a continuous period of more than five years, and they can not be sold, either in part or as a whole, without the previous approval of Congress upon the request of the board of directors accompanied by a report from the *ayuntamiento* and the chief of the department. The said lands and all the property and funds of the institution shall be free from all taxes or duties whatsoever.

Art. 15. The *ayuntamiento* of the town of Austin shall be authorized to make a gift to the institution of such *solares* belonging to the town as may be necessary for the buildings.

Art. 16. Within three months from the publication of this decree, the *ayuntamiento* of this town shall propose twelve persons to the chief of the department, and he shall name the six directors as provided by Articles 3 and 4.

Art. 17. In the absence of the rector, the curate of Austin shall serve as president of the board of directors; and in the absence of the curate, the board shall name a president *ad interim* from its own body.

Art. 18. When the organization of the school shall be finished, and the rules for its government formed, a copy of all shall be

sent to the Congress of the state for its approval. In the meantime, the board may make temporary rules, completing them and filling the positions in the institutions as the funds permit and circumstances require.¹

MINUTES OF THE AYUNTAMIENTO OF SAN FELIPE
DE AUSTIN, 1828-32

.....
Town of Austin, March 2, 1829.

.....The session was opened by the reading of the proceedings of the special meeting of the month of February just closed, and then, Mr. League, the second *regidor*, taking up for discussion the subject of public instruction, offered a document containing voluntary subscriptions for the citizens of the jurisdiction of more than eight hundred dollars. This fund the subscribers have voluntarily placed at the entire disposition of the ayuntamiento for the erection of a building to be used solely for a school. Mr. League therefore moved that a committee be appointed to form plans for a school building and submit them to the ayuntamiento, with the data which can be obtained regarding the cost of the said building; so that the ayuntamiento may adopt whichever of the said plans may, in its opinion, be the most suitable for the school. Citizens Stephen F. Austin, Ira Ingram, and Stephen Richardson were appointed a committee for this purpose: and the ayuntamiento set the term of fourteen days within which the said committee should present the plans and the estimate of the cost of the said buiding.

.....
Town of Austin, April 6, 1829.

.....
Mr. H. H. League took up the matter of the building of a school house, which was considered in the session of March. He said that he had understood from the gentlemen of the commit-

¹Mrs. Mattie Austin Hatcher, *Plan of Stephen F. Austin for an Institute of Modern Languages at San Felipe de Austin*. In *Quarterly Texas State Hist. Assoc.*, XII, 231-239. According to Mrs. Hatcher it is not known whether this bill was ever presented by Austin to the government. The bill was not dated; Mrs. Hatcher believes it was most probably written when Austin was a deputy in 1831-32.

Original among the Austin Papers.

tee appointed to draw plans and secure information for the ayuntamiento, that, for various reasons, they had been unable to get from the contractors (*maestros*) the data necessary for estimating the cost; and that the committee asked an extension of one month for completing the matter referred to its charge.

J. White

Samuel M. Williams,
Secretary.

.....
Town of Austin, May 4, 1829.

The ayuntamiento of this jurisdiction met in regular session, with all the members present. The subject of the establishment of an academy was taken up as provided in the session of April 6 last. As it was inconvenient for the rest of the members of the committee appointed by the session of March 2 to serve, the ayuntamiento discharged the said committee and appointed Messrs. Stephen Austin, William Morton, Stephen Richardson, Thomas M. Duke and (George ?)¹ Dennett to form the plans for the building of an academy and the estimate of the cost of the enterprise, with the method of defraying the same.

J. White

Samuel M. Williams,
Secretary.²

MUNICIPAL ORDINANCE

The Governor of the State of Coahuila and Texas to all its Inhabitants—Know Ye, that the Congress of said state have decreed as follows:

No. 100.—The Constitutional Congress of the free and independent and sovereign state of Coahuila and Texas have enacted the following

MUNICIPAL ORDINANCE

For the government and regulation of the ayuntamiento of Austin.

¹The name is blank in the original.

²*Minutes of the Ayuntamiento of San Felipe de Austin, 1828-31*, Edited by Eugene C. Barker; In *The Southwestern Hist. Quart.*, Vol. 21, 405, 411, 412. No further reference to this effort to establish a school is found.

Chapter I

OF THE INSTALLATION AND INTERIOR RULES OF THE AYUNTAMIENTO, AND THE APPOINTMENT OF COMMITTEES

Art. 8. The committee charged with the examination and inspection of schools must make a report, on that subject, at each regular session of the ayuntamiento at least.¹

¹The ayuntamiento are the trustees and supervisors of schools and institutions of learning, within the municipality.—See chapt. 6, law 37.—Translator.

Chapter IV.

Art. 29. The ayuntamiento, so far as circumstances will permit, shall promote the establishment of a school in the capital of the municipality, for the purpose of teaching the English and Spanish languages, for which purpose they will form a plan and transmit it to the governor, through the regular channel, to be presented to the legislature for approval.

The Governor of the State shall cause it to be complied with, printed, published and circulated.

Given in the City of Leona Vicario, 30th May, 1829.

Therefore, I order it to be printed, published and circulated, and due compliance be given to it.

Leona Vicario, 7th June, 1829.

Jose Maria Viesca.

Santiago Del Valle, Sec. of State.¹

SCHOOL STATISTICS
FOR
SAN FELIPE DE AUSTIN

Date	Children			Pupils	Schools	Sources of Information.
	Pop.	7 to 16				
1828	2021	424	51	3		Census, March 31, 1828. ²
1830	4248	959	77	3		Census, June 30, 1830 ²
1831	5565	1197	77	4		Census, June 30, 1831 ²

¹This decree is omitted from the official publication of the laws. Barker, E. C., *Minutes of the Ayuntamiento of San Felipe de Austin*; In *Southwestern Hist. Quar.* Vol. 21, 311-324.

²Among the Nacogdoches Papers.

PROCEEDINGS OF THE CONVENTION OF TEXAS

Convened at San Felipe de Austin, October 1, 1832.

TUESDAY, October 2.

On motion of Mr. Lesassier, it was resolved, that a committee of five be appointed to petition the State Government for a donation of land to Texas; for the purpose of creating a School Fund, to provide for the future establishment of Primary Schools—and report to this Convention in a reasonable time.

Whereupon, the following persons were appointed to form said committee:

Luke Lesassier, William McFarland, William Menifce, Samuel Bruff, Thomas Hastings.

FRIDAY, October 5.

Mr. Lesassier,¹ chairman of the Committee to petition the State Government for a donation of land, as a School Fund, presented their report.

Mr. Bruff moved that the blank in said report be filled with twenty-five leagues.—Mr. Groce moved that it be filled with one hundred leagues; and Mr. Ingram that it be filled with one hundred and fifty.

Mr. Wharton moved that this report be laid on the table indefinitely; which was negatived—the yeas and nays were as follows:

YEAS,—Geo. B. McKinstry, William H. Wharton, John Austin, Charles D. Sayre, Ira Ingram, A. B. Dobson, George F. Richardson, Jared E. Groce, W. R. Hensley, James Kerr, J. K. Looney, Hyman Hartz, Thomas D. Beauchamp, Samuel Looney, A. Hier, George Butler, John Connell—17.

NAYS—Wyly Martin, F. W. Johnson, L. Lesassier, Silas Dinsmore, Samuel Hoyt, Alexander Thompson, Robert Wilson, William Robinson, Joshua Hadly, Samuel Bruff, Jesse Burnham, William Menifce, George Sutherland, Hugh McGuffin, Charles S. Taylor, Thomas Hastings, Philip Sublett, D. McDonald, W. McFarland, Wyatt Hanks, Jacob Garret, Elijah Isaacs, Benjamin Holt, Jesse Parker, William English, Frederick Foye,

¹Lesassier taught school for a time. See page 127.

John M. Bradley, Jonas Harison, Patrick C. Jack, Claiborne West, James Morgan, H. S. Brown, C. Stinnett, Samuel C. Douglass—34.

The several motions to fill the blank were withdrawn by the movers: and, on motion of Mr. Wharton, it was ordered that said blank be filled, by asking the Government to make such donation as it may think proper.

The President called Mr. Lesassier to the chair and retired on account of indisposition.

The report of the committee for a donation of land was adopted as amended.

To His Excellency, the Governor, and the Honorable, the Legislature of the Free and Sovereign State of Coahuila and Texas:

The inhabitants of Texas, represented by delegates, chosen for the purpose of making known their wants to that Supreme Government, and assembled in General Convention, in the town of San Felipe de Austin, respectfully represent that, from the commencement of the settlement of Texas, up to the present time, no step has been taken to encourage public education, and to create a fund exclusively devoted to that object.—They would respectfully suggest, that intelligence is the main pillow of republican institutions, and that without it no Republic can be long-lived—that in every well regulated community, where free principles predominate, education among every class of society, has occupied the attention of the patriot statesman—that the Government of the State of Coahuila and Texas, heretofore, so liberal, and ever munificent in grants of lands to individuals, will, it is hoped, be equally so, in the grant of land for so useful and patriotic an object as will be the dissemination of knowledge through every part of society. Under these considerations, your memorialists pray a grant of as many leagues of land, for the promotion of education, as the Legislature, in its liberality, shall think proper to bestow; to be made to Texas as the foundation of a fund for the future encouragement of Primary Schools, in Texas, in which will be taught the Castilian and English Languages; and they further pray, that the said grant be made to the Ayuntamientos in Texas for the use and benefit of the people in Texas, and for the object aforesaid, with the express condi-

tion that the said lands shall not be sold or otherwise disposed of, until the voice of the people of Texas, be taken thereon; and your memorialists conclude with a declaration of their attachment to the Republic of Mexico, and of their devotion to the Federal Constitution, and also of that of Coahuila and Texas.

(Signed) L. LESASSIER, Chairman¹

SECESSIONAL CONSTITUTION

Form of the proposed Constitution of Texas, drawn up by the Texas convention of 1832 and 1833.

.....

Art. 27. The benefit of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a *free* government; the protection and advancement of these two great objects are given in solemn charge to the Legislature. It shall be the particular duty of the government to patronize and cherish the interest of literature, of science and the arts; and as soon as practicable, to establish schools, where the poor shall be taught gratis.¹²

THE REMINISCENCES OF MRS. DILUE HARRIS

Mrs. Harris was the daughter of Dr. P. W. Rose who came with his family to Texas in 1833, and settled at Harrisburg.

February, 1834

.....

As there was no school in the neighborhood, mother made us

¹Gammel's *Laws of Texas*, Vol. 1, (483, 492-493). A Spanish translation of this report is found among the Austin Papers. It was addressed to the Governor of the State of Coahuila and Texas, and concludes as follows: "Therefore, they (the memorialists) beg of your Excellency, to please transmit this petition to the honorable legislature for it to determine whatever its liberality may think proper. Villa de Austin, October 5th., 1832."

No evidence has been found that this petition ever reached either the Governor or the Congress. Along with this should be read the memorial of the inhabitants of Bexar as given on page 81; also the Land Grant for the School at Nacogdoches on page 48.

²Edward, D. B., *History of Texas*, 198.

study our lessons every day. At noon, we recited to Uncle James or father.

.....

May, 1834.—School Near Oyster Creek

Father, while in Harrisburg, engaged a school teacher, a Mr. David Henson. He had just arrived. He was an Irishman, old, ugly, and red-headed.

The next thing was a schoolhouse. There was a log house half-way between the place where we lived and Mr. Dyer's. It had been used for a blacksmith shop. The floor was made of heavy hewed logs, called puncheons, and there were no windows nor any shutter to the door. Father and Mr. Henson canvassed the neighborhood to make up the school. Mr. Dyer's three children, William, Foster, and Harvey, and Mr. A——'s three went. Mr. M—— would not subscribe. We three children, with four young men, Leo Roark and his brother Jackson, Mr. Calder and Harvey Stafford made up the school. Mrs. Roark did not send her daughters. She said she would send them in the fall, as the boys would then have to gather the crops. Brother and I were the only children that could read and write. The young men and brother could cipher.

June, 1834

School commenced the first of June. We had a good teacher, but he was out of his proper place in Texas. There were but few school books among the people. The teacher made the multiplication table upon pasteboard. Mother gave her bandbox for the purpose. Father had a fine assortment of books, but few schoolbooks.

.....

We were in high spirits. Our school was doing well.

September, 1834

Our school closed the last day of August. The young men and the boys had to gather the crop. . . . Our school teacher, Mr. Henson, left the first of September. He said he would return during the winter.

.....

May, 1835

.....

We were expecting to have a school soon. Mr. Henson was to open school the first of June. He was to begin with the girls and small children, and as soon as the crops were laid by all the young men were to attend. Mrs. M.— refused to send her little girls if Mr. A—'s children attended. Father said he would be glad if A— would leave the neighborhood, as there would never be any peace while he and Mrs. M— both lived there.

June, 1835. School and War

School commenced the first of June. There were only ten pupils, three girls, six boys and one young man, Harvey Stafford. The teacher boarded among the neighbors.

.....

The school did well. There was no sickness. The grown young men started to school. Three of them and the teacher camped in the schoolhouse and did their own cooking. Mother and Mrs. Dyer gave them milk, butter and eggs, and they went home Friday evening. Mr. Henson spent Saturdays and Sundays with the neighbors. The young men were anxious for the school to be kept open in the summer, as they had to work in the fall and winter.

There was some trouble at Anahuac. . . .

This news stopped our school, as the teacher and young men decided to go to Harrisburg. . . .

.....
 July, 1835

Our school opened again on the tenth. The teacher said the young men and the boys did not study. They talked war all the time and seemed to think that two or three hundred Texans could whip Mexico.

.....
 August, 1835

The farmers had fine crops. Our school was doing well, but the people were in dread all the time.

.....
 June, 1836

While father was gone, a man came to our house trying to find a place to teach school. Mother told him that the men who had families were absent, but that she thought he could get a school, and that she expected father home in a few days. He said he was without money. He had been in the battle of San Jacinto, but as the army had gone west, he had decided to teach until he could get money to return to the United States. He offered to teach us three children for his board until he could get a school. Mother was glad to have a teacher for us, for we had been out of school since September, '35, when our teacher and the young men had gone to San Antonio. . . . We gathered what books we could and began work. We were well pleased with the teacher, whose name was Bennet. We were without paper and wrote on slates.

July 4, 1836.—A Bull Fight

Father and the men arrived home the last of June.

The men employed Mr. Bennet to teach, and built a shed on the side of the log cabin we used the year before for a school house. A blacksmith, a Mr. Thompson, had rented the house and opened a shop. He said then when it rained he would quit work and let the children use his shop. There were only eight pupils. Mr. Dyer sent three boys and Mrs. M—— two girls, Mr. A.—— would not send his children. He and Mrs. M—— were keeping up their quarrel. Brother Granville and William Dyer were the largest boys in school.

We had been in school but a few days when we had quite an adventure with two wild bulls. There was no fence around the log house, and the cattle fed close by. One day two large bulls were fighting, and got near the house. The teacher said for the children to go into the shop. We ran to the door, but could not get it open; so we climbed up the side of the house, and with the help of the teacher and boys got on the roof. By the time we reached it the bulls were under the shed. It was fun for the boys, but the girls were scared. The bulls pawed the ground, fought, and bellowed, the boys laughing and hallooing, and the girls crying. The boys said we would have to stay on the house all night, if nobody came for us. The teacher was as helpless as a child. After the boys had had their fun, they got down and ran the cattle off. The next day the men built a fence around the school house. Our Texas boys had a good joke on Mr. Bennet; they said that if he had showed fight the cattle would have run.

.....
August, 1836

August came, but it seemed as if September never would. Our school was doing well, and several young men had entered, among them Leo and Jack Roark, Moses and James Shipman, Mr. Calder and Harvey Stafford.

.....

October, 1836

We were going to school.

.....

November and December, 1836

Our school closed the last of December and Mr. Bennet went back to the United States.

.....

April, 1837

The summer of '37 soon passed. We had a good school and raised a good crop.

In September we moved to our new home on Bray's Bayou. We lived that winter in a log house, attending church in Houston, and going to school there in the year '38. The teachers name was Hambleton. He taught the second school in Houston. Mrs. Sawyer taught the first. She married a Mr. Lockhart. The school house was built of rough plank and consisted of two rooms. The boys' room was without a plank floor, and there was no shutter to the door, nor glass to the window. Rough planks placed on barrels and nail kegs served for desks and seats. The names of the families represented were: Rose, etc. among them a pretty girl from New York, who criticised our school, Texas, and Houston till we nicknamed her Texas. Several German families sent their children to study English.¹

EARLIEST ANGLO-AMERICAN SCHOOLS IN TEXAS

Date	Location	Teacher
1823	San Felipe de Austin (?)	Isaac M. Pennington ²
1825	Nacogdoches	Thomas J. Garner ³
1827	(Near) Brazoria	Henry Smith ⁴

¹*Quarterly Texas State Hist. Assoc.*, Vol. IV, 85-127, 155-189, *passim*.

²*Quarterly Texas Hist. Assoc.*, Vol. VII, 53.

³Nacogdoches Papers, November 29, 1825. See page 94.

⁴Thrall, H. S., *Pictorial History of Texas*, 621; Lubbock, Gov. F. R., *Six Decades in Texas, or Memoirs*, 114; Brown, J. H., *Life and Times of Henry Smith*, 17.

1828	Matagorda	Josiah Wilbarger ⁴
1829	San Felipe de Austin Matagorda	Thomas J. Pilgrim ⁵ E. R. Weightman and wife ⁶
1830	Gulph Prairie Settlement Gulph Prairie Settlement Spring Creek	Phelps ⁷ Thomas J. Pilgrim ⁸ Thos. S. Saul ⁹
1830	Gonzales Seminary San Felipe de Austin	D. B. Edward ¹⁰ Samuel Peniston ¹¹
1830-35	San Felipe de Austin	James Norton ¹²
1831	San Felipe de Austin Caney Creek	Francis W. Dempsey ¹³ Sumner Bacon ¹⁴
1831-36	Columbia	Thomas J. Pilgrim ¹⁵
1832	? Brazoria	Luke Lesassier ¹⁶ ? ¹⁷
1833	North Alabama Colony	Gail Borden ¹⁸
1834	Bostiek's Home	Lovelady ^{18a}

⁴Helm, Mrs. Mary S., *Scraps of Early Texas History*, 46; Smithwick, Noah, *The Evolution of a State*, 69; Wooten, Dudley G., *Comprehensive History of Texas*, 655.

⁵Helm, Mrs. Mary S., *Scraps of Early Texas History*, 47; Baker, D. W. C., *A Texas Scrap Book*, 76; Smithwick, Noah, *The Evolution of a State*, 69.

⁶Helm, Mrs. Mary S., *Scraps of Early Texas History*, 47; Austin Papers; Letter, Kuykendall to Austin, December 2, 1829; Austin to Weightman, January 24, 1830; Austin to Weightman, March 12, 1830.

⁷*Texas Gazette*, January 30, 1830; *A Visit to Texas*, Second Edition, 228; *History of Houston and Galveston*, 129.

⁸*Texas Gazette*, January 23, 1830.

⁹*Texas Gazette*, November 6, 1830; Whether this school materialized is uncertain.

¹⁰*Texas Gazette*, November 6, 1830; Edward, D. B., *History of Texas*.

¹¹*Texas Gazette*, October 30, 1830.

¹²*Texas Gazette*, February 13, 1830; August 21, 1830; *Texas Republican*, February 14, 1835.

¹³*Texas Gazette*, January 15, 1831.

¹⁴Austin Papers: Letter, Bacon to S. F. Austin, July 30, 1831.

¹⁵Raines, C. W., *Yearbook*, 37; Baker, D. W. C., *A Texas Scrap Book*; Garrison, Geo. P., *Quarterly Texas Hist. Assoc.*, Vol. V, 121; *Texas Almanac*, 1872, 164; *Texas Gazette*, February 6, 1831.

¹⁶Austin Papers: Letter, Fisher to Austin, January 22, 1832.

¹⁷Austin Papers: Letter, J. F. Perry to J. McGready, July 12, 1832.

¹⁸*Life and Writings of Rufus C. Burleson*, 722.

^{18a}*Quarterly Texas State Hist. Assoc.*, Vol. V, 86-87.

	St. Augustine	? ¹⁹
	Columbia	F. T. Wells ²⁰
	Cole's Settlement	Miss Trask ²¹
1834-35	(Near) Oyster Creek	David Henson ²²
1835	Brazoria	J. A. Prest ²³
	William's farm	T. D. Brooks ²⁴
	Columbia	Stephen Hale and John Chaffin ²⁵
	Austin's Colony	Cahill ²⁶
1836	Montville	Mrs. Ayres and Miss L. A. McHenry ²⁷
	Sparks's farm 5 miles North of Nacogdoches (Near) Oyster Creek	T. D. Brooks ²⁸ Bennet ²⁹
	Bernardo	Deans ³⁰
1837	Zavala's Point	Wm. H. Hastings ³¹
	Matagorda	Lemuel Grosvenor ³²
	(Near) San Augustine	? ³³

¹⁹Parker, A. A., *Trip to the West and Texas*, 119.

²⁰*The Texas Republican*, October 25, 1834.

²¹*The Texas Republican*, February 14 and March 14, 1835; Wooten, Dudley G., *Comprehensive History of Texas*, 655: "The first young ladies boarding school was opened by Miss Trask of Boston at Cole's Settlement in January, 1834." This school was opened in December, 1834, or January 1835; *Quarterly Texas State Hist. Assoc.*, Vol. II, 280; Austin Papers: Letter, Miller to Perry, December 10, 1834.

²²*Quarterly Texas State Hist. Assoc.*, Vol. IV, 108-109, 112.

²³*The Texas Republican*, February 14, 1835, etc.

²⁴*Quarterly Texas State Hist. Assoc.*, Vol. XII, 61.

²⁵*The Texas Republican*, June 27, 1835.

²⁶*Quarterly Texas State Hist. Assoc.*, Vol. I, 285-296.

²⁷*Telegraph and Texas Register*, November 14, 21, etc., 1835; *Quarterly Texas State Hist. Assoc.*, Vol. I, 286; *Texas Methodist Hist. Quart.*, Vol. I, 209.

²⁸*Quarterly Texas State Hist. Assoc.*, Vol. XII, 62.

²⁹*Quarterly Texas State Hist. Assoc.*, Vol. IV, 180.

³⁰*Quarterly Texas State Hist. Assoc.*, Vol. XIX, 273.

³¹*Telegraph and Texas Register*, June 8, 20, etc., 1837.

³²*Matagorda Bulletin*, December 6, 1837.

³³*Life of Martin Reuter*, In *Texas Methodist Hist. Quart.*, Vol. I, 130.

³⁴*History of the First Presbyterian Church*, 5, 9.

Goodlaw's School 4 miles	? ³⁴
West of San Augustine	
Washington	? ³⁵
Velasco	Rev. C. Newell ³⁶
Columbia University	W. C. Jenks ³⁷
Liberty	? ³⁸
Sam Houston's Home	Mrs. E. A. Andrews ³⁹
Houston	Mrs. Sawyer ⁴⁰

In addition to these pioneer teachers given in the list above there were still others of whose labors we have no positive information. Wooten in his *Comprehensive History of Texas*⁴¹ mentions among others, Phineas Smith, Mr. Norman, J. W. Cloud, and Mr. Copeland. J. W. Cloud is mentioned as teaching in Brazoria.⁴² When and where the others may have taught we do not know. Stephen F. Austin in a letter to his friend, Bell, mentions also a schoolmaster, Eccleston.⁴³

³⁴*Life of Martin Reuter*, In *Texas Methodist Hist. Quart.*, Vol. I, 130.

³⁵*Telegraph and Texas Register*, June 20, July 1, 1837.

³⁶*Telegraph and Texas Register*, February 21, 1837.

³⁷*Telegraph and Texas Register*, June 18, 1838.

³⁸*Telegraph and Texas Register*, November 1, 1837; *History of First Presbyterian Church*, 5, 9.

³⁹Harris, Mrs. Dilue, *The Reminiscences of Mrs. Dilue Harris*, In *Quarterly Texas State Hist. Assoc.*, Vol. IV, 188.

⁴⁰655.

⁴²*Galveston News*, April 7, 1907, 20.

⁴³Austin papers, August 5, 1823.

CHAPTER III

EDUCATION DURING THE REPUBLIC.

The Anglo-Americans in the Declaration of Independence, 1836, charged the Mexican Government with neglecting the establishment of a public system of education. This was one of their cardinal grievances. As we might expect from this protest, an educational provision was incorporated in the Constitution of the infant Republic, and a little later a fairly generous agrarian endowment was set apart for the establishment of a school system. The Congress of Texas evidently had in view a complete system, embracing primary schools and academies in each county, and two Universities for the entire commonwealth. This system was, however, merely projected for future establishment. In the meantime education was fostered by numerous private interests, religious denominations, fraternal organizations, and, to some extent by municipal enterprise. In a number of cases Congress granted a land subsidy to institutions of learning under private management. Numerous institutes, academies, and universities for both sexes were chartered. The charter of Rutgersville College is selected as an example. In addition to materials dealing with these matters some quotations from contemporary authors are given which furnish a more vivid picture of the actual condition of culture existing among the people of Texas at this time.

THE DECLARATION OF INDEPENDENCE MADE BY THE DELEGATES OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION, AT WASHINGTON, TEXAS, ON
MARCH 2nd, 1836.

.....

It¹ has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain,) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government.²

¹The Mexican Government.

²Gammel's *Laws of Texas*, Vol. 1. (1065);

Sayles, John, *The Constitutions of Texas*, 152;

Laws of the Republic of Texas Printed by order of the Secretary of State, Vol. I, 5.

THE CONSTITUTION OF THE REPUBLIC OF TEXAS

March 17, 1836.

GENERAL PROVISIONS

.....

Sec. 5. It shall be the duty of Congress, as soon as circumstances will permit, to provide by law, a general system of Education.¹

.....

PHILOSOPHICAL SOCIETY OF TEXAS

During the recent session of Congress a number of gentlemen, from different parts of the republic, formed themselves into an association under the above name, to be established at the seat of government, but to be purely scientific and literary in its character.

At a meeting on the 5th December, held at the capital, a constitution was adopted, and the following gentlemen were elected officers:—

MIRABEAU B. LAMAR, <i>President</i> ,	
ASHBEL SMITH, <i>1st</i>	} <i>Vice Presidents</i> ,
ROBERT A. IRON, <i>2d</i>	
ANSON JONES, <i>3d</i>	
JOSEPH ROWE, <i>4th</i>	
DAVID S. KAUFMAN, <i>5th</i>	
WM. FAIRFAX GRAY, <i>Recording Secretary</i> ,	
DAVID G. BURNET, <i>Corresponding do.</i>	
AUGUSTUS C. ALLEN, <i>Treasurer</i> ,	
JOHN BIRDSALL, <i>Librarian</i> .	

Subjects for investigation or discussion were assigned to the several members, and a memorial adopted to be presented to the Congress, asking a suitable endowment and encouragement for the institution. The following preamble to the constitution and

¹Gammel's *Laws of Texas*, Vol. 1, (1079);

Sayles, John, *The Constitutions of the State of Texas*, 168;

Laws of the Republic of Texas, Printed by Order of the Secretary of State; Vol. 1, 18-19.

extract from the memorial to Congress exhibit in a condensed view the scope proposed to be embraced by the society. Objects so important to the scientific enquirer generally, and calculated to add so largely to the national character and national wealth, it is confidently trusted will not only receive the fostering care and patronage of the legislature, but will attract the cordial co-operation of all the mental energy and literary acquirement of our infant republic.

As a mark of the distinguished regard of the members the Hon. Alee Labranche, Charge d'Affaires from the United States of America, received the compliment of being the first foreigner who has been received as a member.

PREAMBLE

“We the undersigned form ourselves into a society for the collection and diffusion of knowledge—subscribing fully to the opinion of Lord Chancellor Bacon, that “*knowledge is power*;” we need not here dilate on its importance. The field of our researches is as boundless in its extent and as various in its character as the subjects of knowledge are numberless and diversified. But our object more especially at the present time is to concentrate the efforts of the enlightened and patriotic citizens of Texas, of our distinguished military commanders and travellers,—of our scholars and men of science, of our learned members of the different professions, in the collection and diffusion of correct information regarding the moral and social condition of our country; its finances, statistics and political and military history; its climate, soil and productions; the animals which roam over our broad prairies or swim in our noble streams; the customs, language and history of the aboriginal tribes who hunt or plunder on our borders; the natural curiosities of the country; our mines of untold wealth, and the thousand other topics of interest which our new and rising republic unfolds to the philosopher, the scholar and the man of the world. Texas having fought the battles of liberty, and triumphantly achieved a separate political existence, now thrown upon her internal resources for the permanence of her institutions, moral and political, calls upon all persons to use all their efforts for the

increase and diffusion of useful knowledge and sound information; to take measures that she be rightly appreciated abroad, and acquire promptly and fully sustain the high standing to which she is destined among the civilized nations of the world. She calls on her intelligent and patriotic citizens to furnish to the rising generation the means of instruction within our own borders, where our children—to whose charge after all the vestal flame of Texian liberty must be committed—may be indoctrinated in sound principles and imbibe with their education respect for their country's laws, love of her soil and veneration for her institutions. We have endeavored to respond to this call by the formation of this society, with the hope that if not to us, to our sons and successors it may be given to make the star, the single star of the west, as resplendent for all the acts that adorn civilized life as it is now glorious in military renown. Texas has her captains, let her have her wise men."

EXTRACT FROM THE MEMORIAL

"We further represent to your honorable bodies, that to carry into full effect the objects set forth in the above preamble, it is contemplated by the society to establish a library; to found a cabinet of mineralogy, geology and natural history, to serve as a repository for specimens collected in our own borders or sent from other countries, to procure philosophical and astronomical apparatus, and to obtain suitable buildings for their safe keeping and use.

The library of books, the cabinet of specimens, and the apparatus which it is proposed to obtain, will in the opinion of your memorialists be of vast public utility,—of scarcely less advantage to the citizens generally, and especially to the rising generation than to the members of the society. For it is the design of the society to employ these means in diffusing information as extensively as circumstances will permit.

To secure to the present association and their successors the above named property, and to prevent its division and waste, and to enable the society to carry out in as beneficial a manner as possible the objects generally as set forth in the preamble

recited above, your memorialists respectfully ask to be constituted a corporate body for these purposes.

It will readily occur to your honorable bodies that donations of books, specimens of mineralogy, etc., and of other useful articles may be anticipated from our fellow citizens, and from gentlemen residing in foreign countries; provided an act of incorporation should give permanence to the society, and thereby an assurance that the donations shall not be divided from their original intentions.¹

RECOLLECTIONS OF EARLY SCHOOLS

M. M. KENNEY

The first school which I remember, though I did not attend it, was in Austin's colony in 1835, and was taught by an Irishman named Cahill. My older brother, aged about eight years, was one of the pupils of that primitive academy, which was distant about two miles from our house, and the way was through the woods without any road or path. When he started to school, our father was absent and mother went with him, carrying a hatchet to blaze the way.

Of the discipline of the school and its studies, I only know that my brother, in relating the experience of several of the boys, made the impression on me that the rod was not spared; and my recollection of the books is reduced to the arithmetic, which I afterwards studied, in which the primitive rules were illustrated by engravings; that for subtraction being a bunch of grapes, showing in successive pictures how, after eating two, three, etc., so many remained. Thinking that this must have been the work of a little boy like myself, I put the lesson into practice by purloining from a basket of "forbidden fruit" and then producing the arithmetic as authority for the appropriation—a sally which mother allowed to condone the little sin.

The next school which I remember, though I did not attend that either, was taught in 1836, at a place called Mt. Vernon, now in Washington county, by Miss Lydia Ann McHenry, a maiden aunt who lived with us. The school was at the house of Mr. Ayers, a public spirited man, who was one of the principal

¹*Telégaph and Texas Register*, Houston, January 13, 1838.

settlers there. I think that Mrs. Ayers and Miss McHenry joined in teaching, and they intended to make it a permanent school, but the war of the revolution interrupted and it was never renewed. I was then four years old. My sister, two years older, attended, and as it was twenty miles away, was of course absent from home, which left me very lonesome. How long it was I do not know, but it seemed an age, and I had about given her up and ceased to grieve, when one day as I was playing under a tree before the door I heard my name called and looking up saw aunt and sister alighting from a carriage at the gate. I was so surprised and overjoyed that I cried instead of laughing—the only time I remember shedding “tears of joy;” but had I known the cause of their coming, tears would not have been out of place; it was the news of the fall of the Alamo.

After a perilous delay, father returned from the army to remove his family, and when we crossed the Brazos we heard the drums in Santa Anna’s army at San Felipe.

The next school which I remember was at our own house in 1837. Miss McHenry taught a boarding school for girls and mother at the same time a class of boys. There were in all twenty or more lodged and boarded as best we could in our unfinished cabins in the wilderness. A brave and cheery company,

“Whom, borne on fancy’s eager wing
Back to the season of life’s joyous spring,
I pleased remember.”

If I were a poet I would echo their laughter and portray their plays in a volume which should perpetuate their little history and the fragrance of the primeval wilds would be wafted through its pages.

The studies were of every grade. The pupils were carefully instructed in the art of reading well, and as a help to that end were encouraged to memorize verses, some of which I can still repeat from hearing them recited so long ago. I remember also hearing them recite their grammar and spelling lessons, but of course I could not tell how well. Had the school been sustained so that adequate accommodations could have been provided, it would probably have had a notable influence in the country.

But it did not prove financially successful, and after two or three sessions it was discontinued.

I have a vivid recollection of learning the alphabet when I was about four years old, and mother, who was my teacher, also remembered the difficulties of the task. The letter t, of the minor type, was the greatest stumbling block. I called it p, and remember that I thought it was meant for a picture of a pig. The letter s I learned at once, because I thought it was a picture of a snake, and I knew that creature hissed. Men of science gathering data from ancient monuments of the East, where the childhood of the world is in some measure recorded, and from barbarous tribes where that state continues, have now at last caught up with the former discoveries of the four year olds and announce that the alphabet was originally pictures, which the exigencies of convenience and rapid use had even in very ancient times shortened into conventional signs; the foreign names of the things represented having probably prevented us from observing the same as a familiar fact. If the cultivators of science would study the mental images formed by those original explorers of the world, the three and four year old children, they might find hieroglyphics more significant than any that were ever sculptured on Egyptian obelisk or propylon.

I do not know when I learned to read. Mother attended to that in the very early morning of life, but I could already spell and read very well for a child of seven, when I first went to school. It was taught in an unfinished new school house about two miles from home, to which my brother and I walked every day. The teacher proved inefficient, and after a very brief session the school closed.

The next school was at the same place in 1838 or 1839, taught by Mr. Dyas, an old Irish gentleman, and I think a regular teacher by profession. The session was three or four months and the studies miscellaneous, but the discipline was exact. He had an assortment of switches set in grim array over the great opening where the chimney was to be when the school house should be completed. On one side was the row for little boys, small, straight and elastic, from a kind of tree which furnished Indians with arrows and the schoolmaster with switches at that time. I remember meditating upon the feasibility of destroying all that

kind of timber growing near the school house. My terror was a little red switch in that rank which I caught too often, usually for the offense of laughing in school. The larger switches were graded, partly by the size of the boys and partly by the gravity of the offense, the gravest of which was an imperfect lesson. The third size of rods was of hickory; tough sticks, which he did not use on the little boys, but which he did use on the larger scholars, without the least hesitation or reserve, if they failed to get the appointed lesson or were derelict in any of their duties. The fourth size of switches was of oak and would have been better called clubs. These he applied more in the style of the shillalah than of the ferule to the largest boys. Some of them ran from him, but none ever struck back, it being a point of honor not to strike the teacher, though I sometimes fancied that he looked disappointed that he did not have a more interesting bout with them. I do not remember that he ever whipped any of the girls.

As for the studies, we all had Webster's spelling book, and were ranked and classed according to our proficiency in that great classic. I have forgotten my relative rank at that time, and but few attained the end. The last few pages contained some stories and fables, intended for reading lessons, illustrated with engravings, and the last of these had a picture of a wolf, by some accident well executed—a fact which tended to establish the book in our estimation, because we saw wolves every day. "The picture of the wolf in the spelling book" thus became the synonym of graduation. Whether it originated with us or not I do not know, but the expression was long used in a humorous sense as equivalent to a diploma, and when it was said of a boy that he had studied to "the picture of the wolf in the spelling book" his proficiency was not afterward questioned. The best class in reading used a text-book called "the English Reader," consisting of extracts from the writings of eminent authors, chiefly dry didactics and some poetry. My brother was in that class and also in a class by himself reading Goldsmith's *History of Greece*. The pupils brought such books as they happened to have, and one young man had *Robinson Crusoe* for his reading book. His recitations interested me greatly, but I apprehend that my attention was given to the adventures of *Crusoe* rather than to the teacher's precepts for reading well. Several had

Weem's life of Washington, in which the story of the little hatchet and the cherry tree was most impressed upon our memory. It grieves me yet that criticism has thrown doubt on the verity of a story which so successfully impressed children with the honor of veracity. One boy had an illustrated edition of Goldsmith's *Natural History*, and there were a variety of other books, nearly all by famous authors.

We had a variety of arithmetics, and it was during this school that a consignment of new slates and pencils arrived, not enough to go around, but some of the boys got a new outfit. The impression it made on me was one of surprise at the seeming abundance of the material. From the care which we had to take of our fragments of old slates and stubs of pencils I had somehow imbibed the idea that with their going the world would see the last of the slates; but here, to my relief, I found that the supply would keep up with the forest switches which I had in mind to extirpate. There were no classes in arithmetic; each boy ciphered through his text-book as fast as he could, and the stern teacher pointed to the errors with the switch held like a pen, and a minatory wag of the head that meant correction. One boy, or young man, for he was nearly grown, persisted in carelessness as to the relative position in which he wrote the figure on his slate, not under each other, in perpendicular lines, with sufficient exactness. After several admonitions Old Dyas attacked one day with one of the shillalah class of switches, but only got in a blow or two before the spry youngster sprang out of a window (there were no shutters, much less glass). But then arose the dilemma that his hat was inside the school house. To come after it was to beard the lion in his den; to go without it was to blister in the sun. After some maneuvering, however, one of the boys threw his hat out of the window, and, pulling it over his ears, he made his escape. He came back, though, in a day or two, in a good humor, and the school went merrily on. I knew this boy as a man for many years after, and, having occasion to go over some calculations with him, I was amused to see that although he neither wrote a good hand nor ciphered well, yet he placed the figures under each other with the precision of a printed book. A few days of Old Dyas in the public schools now would probably eliminate one prolific source of errors.

We walked morning and evening to school, carrying our dinners in tin pails and milk in a variety of bottles. Some had clear glass, some green glass wine bottles, and some had black or junk bottles. A contention having arisen among the boys as to the relative strength of these wares, it was submitted to the test of striking the bottles together, the boys whose bottles were broken admitting defeat—which, in some vague way, I thought involved humiliation—while the boys whose bottles survived the conflict vaunted their victories. I do not see why it never occurred to us that the finer ware would suffer in the conflict and the coarser prevail, but so it was. Bottles were of vastly more value then than now, and some of the small boys having cried about their loss, brought in the teacher with his switches to umpire the game, and he decided to administer impartial fate. I do not remember the number of strokes, but I remember thinking it unjust that the boys who had lost in the game should suffer as much in the award as those who prided themselves on their stock of infrangible glass. For many years, however, I have coincided with the old teacher's view, and wish that his policy could be extended to parties and nations as well, they being but children of a larger growth.

Though the hours of school seemed to me of wearisome length yet school was turned out time enough for us all to go leisurely home before sundown. Our house was about two miles, most of the way across a prairie, but crossing a small stream, whose clear water babbled over "the stones in the brook" where I loved to play. My brother would sometimes wait with me, but he sat on the bank, very much engaged in his books. I remember his puzzling over the mystery of the extremes and the means in the rule of three, and saying that if he could learn that rule and the square root he would be through the arithmetic and would "know it all." The Robinson Crusoe boy, of whom I have spoken, accompanied us to school, and one day took it into his head to teach us some arithmetic. There were five cows grazing by the side of the path, and he maintained that there were fourteen, proving it in this way: There are four in a bunch on the right and one by itself on the left; four on the right and one on the left make fourteen. We admitted the correctness of the numeration in the abstract, but could not see the cows in the

concrete. "Well," said he, "apply your arithmetic; when you buy cattle count the old way, but when you sell cattle numerate them." For some reason this little jest remains in memory, and I have moralized upon it, like Dr. Franklin on his whistle, until at times it seems that the world is divided into two principal classes—those who count in the old way and those who "numerate."

To everything there comes an end, and so at last Dyas' school also ended, and one little scholar at least went running home joyfully carrying his books to stay. The patrons of the school were much pleased with our old teacher and he with his new location. They had arranged for him to open a permanent academy, and he departed for Ireland to bring his family. He sailed from New Orleans, but the vessel was never afterwards heard of.

The next school which I attended was taught in the same place in the year 1840 by Mr. Cummins, a young man from the States—that was as near as I ever learned the country of his nativity. He understood what he taught, and taught what he understood. His discipline was as severe, if not more so than that of Dyas. I could not compare their teaching, but I learned more perhaps only because I was older. We were ranked and arrayed in two spelling classes—the senior and the junior; and of course all in Webster's spelling book. I with a few others belonged to both, and it became a consuming ambition with me to be head of both classes, in which I succeeded once or twice, "and then I left it like a child." I have followed many greater ambitions of less importance. We reached and mastered "indivisibility" and unintelligibility, and physic and phthisic and other long and hard words. Indeed, came at last to the closing lessons, where there was a column of words pronounced alike but spelled differently, the first two of which were "air, the atmosphere; are, plural of am." Now I hear it is considered style to pronounce are arr. They don't know the spelling book; are should be pronounced air. Further on there was a lesson in punctuation, which Mr. Cummins required us to memorize, giving it in charge on Friday evening; but the words were long and tough, and when Monday morning came, we came up unprepared. Not so the teacher; he did not go after a switch, he already had one and applied it without delay. Beginning at the head of the

class, he dusted every jacket in the rank down to the foot and sent us all to our seats to learn it before playtime. We learned it. I can say it yet. There was also a lesson in the same connection, in which the letters of the alphabet occurred in a horizontal line. This lesson, a chum and I thought we could read with facility, and we had planned that when this came to us we would see which could say the a b c's the fastest. I believe he suggested this exploit, and the irony of fate awarded him the lead. He was hardly half way before the teacher was upon him with the switch. The offense was that there was a comma after each letter, indicating a pause. My old schoolmate is living yet. I hear that he is a preacher. I have not heard him, but will vouch for him that he knows one important lesson not always learned by clergymen, namely, to mind the stops. We got through the lessons on punctuation and read of the old man and the apple tree, old dog Tray and the rest, and finally passed the picture of the wolf, and so were graduates, if not proficient.

It was at this school that some of Peter Parley's new school books arrived: geography, astronomy, and what not. I was permitted—or required, I forget which—to take lessons in his very primitive astronomy, and in truth was much interested and perhaps vaunted my superior course of study over the other boys. Be that as it may, I came to grief over the constellation of the great bear, which was one of the pictures in the book. In that picture the bear's hind legs bent backward like those of a dog. There was a pet bear chained at almost every other house, and all the boys knew that a bear's hind legs bent forward like a man's knees, and so they voted my new book the work of an ignorant impostor. Will the makers of books never learn that a false picture is a falsehood?

We were taught arithmetic, whether well or ill, I do not remember; but I do remember that finding our slates growing continually dirty, we thought it a good plan to take them to the creek for a general washing, and once there, the abundance of sand suggested that it was a good scouring material and we proceeded to scour the slates, covering them with marks which we had not calculated upon.

An anecdote is related that somewhere a boy carried his slate to the teacher and asked this deep question, "Where do all the

figures go to when they are rubbed out?" I can tell him where our complicated marks and scratches went. They went with the slates to puzzle the future antiquaries who may exhume their fragments.

We had a variety of reading books; mine was the National Reader, a compend of extracts from notable modern authors, most of them American. One boy had Aesop's Fables for his text-book, and I was greatly interested in his recitations; so much so that I attempted compositions in the same vein, compositions in which I fear that the adventures of the animals were more in evidence than the moral.

Our games and sports were much the same as now, but we had also adventures with wild animals, some of which were exciting as well as amusing. They should be memorable, though they can not recur in this country until after the next ice age.

Our teacher joined a company of volunteers to invade Mexico, known in history as the Federal Expedition, and their departure gave us an unexpected holiday. After their return, he stopped at our house, and I hardly recognized the prim and tidy school teacher in the bronzed and war-worn soldier with his grim accoutrements. I listened with eager interest while he told my father of their marches and battle and Xenophonian retreat. Time and experience has not lessened the high opinion I then formed of the military talent of their commander Col. Jordan. Mr. Cummins volunteered in the Texian army to repel the invasion of 1842, and fell at the battle of Salado.

In the fall and winter of 1841 and 1842 another school house materialized as far to the east as the other was to the west, nearly two miles from home. It was a neat log house in a grove in the prairie, with no spring near, but the patrons substituted a well. I had then for the first time to experience a winter school. The house was an improvement on the other, in that it had shutters to windows and door; glass was still far in the future. We had also a chimney and wide fireplace where we kept a roaring log heap in cold weather, when the neighbors brought wood on their wagons, which they did turn about, and a flaming, crackling brush heap when we had to bring fuel by hand from the neighboring woods. The teacher was both competent and qualified mentally, and his scholars advanced well on

all lines. Here an innovation broke in, for the world advanced backward and forward then as well as now. The new book was Town's spelling book, with columns of words arranged without the slightest regard to etymology or affinities of orthography, and further obscured by parallel columns of synonyms styled definitions, which we were required to memorize. This fool fad was of course hailed as a great improvement. I have since learned that it returns, like fashions, periodically. It has appeared and disappeared once or twice since.

Our teacher essayed to teach mental arithmetic orally to the school assembled, as the legislative journals say, "in committee of the whole." The teaching, as it was somewhat violently called, was carried on by sudden questions on this dense subject, which we were expected to answer in the style of an exclamation. He was more successful with his singing geography, where, beginning at Baffin's Bay and going south around the continents of the Western Hemisphere, the names of all the bays were chanted in a unity of discord and loud voices, the pupils following with finger on map and the chant continuing until the last one had found the bay as well as the name. Then followed the capes, islands, mountains, rivers, etc. There was a certain merit in this system which has not been successfully incorporated in any other. We became familiar with the outlandish proper names in geography, and formed a general idea of their import and locality. It was a sort of game, also, and we took delight in singing to a dull fellow until he found the object and escaped to the winning side, usually taking revenge by joining the screech to the next below until he also escaped. It beat a whipping to make them diligent. In reading, our teacher was fair only, but in penmanship he was excellent and successful, notwithstanding my failure to profit by his precepts and examples. He whipped the children cruelly, and I think more from petulance on his part than fault on theirs, and the girls were not spared. At this school one dark winter evening a neighbor visited us, and after we were dismissed, announced, as a piece of news to carry to our parents, that the Santa Fé expedition had arrived at that place and surrendered without firing a gun. I well remember the shade that passed over the boys' faces at the unwelcome tidings.

In February, 1842, I was taken on a journey to the States, which cut short my attendance; but soon after I left an invasion reached San Antonio; the larger boys went to the war and the school closed.

In the spring of 1843 another school opened in the same place, taught by R. B. Wells, a Methodist minister, who had been sent to our circuit that year. I think he was originally from Georgia, though I am not sure; he may have come from Virginia. Wherever he may have been born and bred, he was a scholar well qualified in every way to teach almost any branch of learning, and withal a gentleman. This school was the first I had seen or heard of that dispensed with the rod in school. He managed to keep order by keeping the children busy and by a dignified and gentle sway; he never had a switch and never needed one; he never whipped and never threatened but once, and that was to some boys or young men as large as himself. Besides the ancient routine of reading, writing, and arithmetic, he had classes in grammar, history, geometry, and surveying, and a class of one, the author of these memoirs, in Latin. He managed to give attention to all and keep the students interested, and I believe that each and every one of them was richly rewarded mentally and morally for the time and attention given at Wells' school. As a teacher, he had one fault, a very common one then, as now—he did not always begin at the beginning, and knowing the subject so well himself, he could not well discover what the difficulties were which often puzzled primary students. If once he knew what the difficulty was, no man that ever I knew could more easily and quickly lead the pupil out of it, but he was slow in discovering rudimentary difficulties. I remember puzzling over an arithmetical problem for several days; a time which seemed to me months long. The teacher could not, or at least did not, understand my difficulty, which was so simple that a very stupid fellow in the neighborhood easily explained it to me in a few moments; perhaps because he knew how to reach the comprehension of his kind, in which our excellent teacher was at fault—over-shooting as it were. But the more advanced a student became, the more easily and thoroughly did Mr. Wells carry him forward. I remember his lamenting that there was no copy of Euclid to be found in the neighborhood, and when I

searched my father's library and found a copy which had been through the wars and moves, and was torn and deficient of some of the first books, he hailed it as a treasure, nor was he in the least put out that the remnant began at the 47th proposition, either because he remembered all that went before or because he did not consider the mere beginning particularly important. And here I digress to move the Text-book Board to re-elect old Euclid for another term of two thousand years, for in all that time no other text-book has appeared that will at all compare with his.

Mr. Wells did not confine his exertions for our advancement to his little school nor to his Gospel ministry, but he also started an emulation among the young men to read well in the works of the great writers of our tongue. My brother read the English translation of Plutarch's Lives and Shakespeare's plays, in the latter of which his taste chose King Henry V., which he almost memorized. A companion of his was the best reader of the English language, except one, that ever I have heard. During that summer I read Scott's Life of Napoleon and attacked Blair's rhetoric, though with problematical success. One of the boys who was not at all literary in his taste, yet mastered the Life of Putnam, and when we found a den of wolves, proposed to emulate his hero by crawling in after them, but we dissuaded him and found a better plan by smoking them out and shooting as they emerged. We had Parley's Universal History, then a new book, which had many merits in the eyes of a child and not a few in the eyes of this grown person. We had also then, as now, books called "readers intended for the use of schools," among which the English Reader and the National Reader still held first place. The school was in summer time, and during the long hot days the wild cattle came to the grove around the school-house to stamp in the shade. Their bellowing and fighting often monopolized our attention to the annoyance of the teacher, and often serious danger to our horses. 'Tis an ill wind that blows nobody good. It was necessary to drive these cattle away, which was by no means the simple thing it is to drive gentle cattle. We had to go in force, and when the enemy was routed we were apt to become dispersed in pursuit and it took time to rally. We had many plays which I observe are still in vogue with schoolboys.

But our favorite sport was to ride away at noon for a swim in some shady pool in the neighboring streams, and we all became good swimmers. After the swim, we ran our horses back to the school-house. A level piece of road leading from the school-house suggested a race track, where we tried the speed of our "nags" with merry races, in which the girls rode as well as the boys, and won many equestrian contests. We also had swings for the girls and various athletic exercises for the boys. I believe that we had more sport and genuine enjoyment and at the same time gave more attention to our studies at this school than any other I have known either before or since.

With the close of summer, our school closed, when I was eleven years old. The teacher remained in the neighborhood for some time and wherever he was it seemed as if school was in session from the numbers who came to him for instruction, especially young men. He did not resume his school, but removed to another part of the country, where, years afterward, he closed his useful life. No towering monument with marble piled around marks the tomb of Robert Barnard Wells, but the light which he let shine before men still gleams through the clouds of time.¹

ADDRESS OF HON. ROBERT I. WALKER
U. S. SENATOR FROM MISSISSIPPI.

HOUSE OF REPRESENTATIVES
Thursday, June 1, 3 o'clock.

.....

Need I say to the Congress of Texas, how momentous is the charge entrusted to your hands. You are establishing the fundamental laws of a new republic! Go on in the glorious work you have so nobly begun. Encourage, as you propose to do, the universal diffusion of knowledge, and of pure and virtuous principles throughout the land; remembering that the eyes of the world are upon you, and the destiny of your country is in your hands. Let your Universities, your Academies, your schools, be erected soon upon those smiling prairies and beau-

¹Kennedy, M. M., *Recollections of Early Schools*. In *Quarterly of the Texas State Hist. Assoc.*, Vol. I, 258-296.

tiful forests, where your valor has established an independent government and your cup will overflow with blessings; your name will be inscribed upon the roll of nations, "Above all Greek, above all Roman Fame."¹

.....

FIRST LEGISLATION ON EDUCATION

Monday, April 23rd, 1838.

.....

Mr. Rusk, with leave, introduced a memorial² from sundry citizens of the Republic on the subject of a system of popular Education; which was referred to a special committee, consisting of Messrs. Rusk, Jones, of Brazoria, and Wyatt.

.....

Tuesday Morning, 1st May, 1838.

Mr. Jones,³ of Brazoria, from the committee to whom was referred the memorial of A. J. Yates⁴ and others, on the subject of education, made a report, and introduced and recommended the passage of a resolution providing means for the establishment of a general and uniform system of education, under the control and direction of Congress. Adopted.

.....

Thursday Morning, 10th May, 1838.

Mr. Gant introduced a bill to provide for the building of court houses, jails, academies, &c.; which was read a 1st time.

.....

¹*Telegraph and Texas Register*, June 3, 1837.

²The memorial has not been found.

³Anson Jones, later elected President.

⁴Yates came from New Orleans to settle in Houston. He was a vigorous advocate of schools. See letter from Yates to President Lamar, page 181-185.

Friday Morning, May 11, 1838.

.....

Friday Evening, Three o'clock.

The joint resolution providing means for a permanent system of Education, was read a second time.

The blank in the first section was filled with "ten thousand acres,"

On motion of Mr. Jones of Austin, the bill was referred to the committee on the judiciary.¹

ANSON JONES ON EDUCATION

.....

July 28th, 1838. In conversation with Mr. Ward, he stated that one of the principal objections which he had to going to Texas, and taking his family, was the want of schools there; that it was bad enough in New Orleans in this respect

. . . I tried last spring to procure an appropriation of the public lands for the purposes of education, and made a report to Congress on the subject. They referred it to the Judiciary Committee, who defeated the project, by delaying any action on it until the last day of the session. Branch was chairman, and I scolded him about it. Wm. H. Wharton has promised to bring the matter up again next session.²

.....

FIRST CONGRESSIONAL COMMITTEE ON EDUCATION

Houston,

Tuesday, November 6, 1838.

.....

On motion of Mr. Baker, Messrs Baker, Cullen, Butler, Jones and Wright were appointed a committee on education.

¹Journal of the House of Representatives of the Republic of Texas, Second Congress—Adjourned Session, 31, 66, 100, 110.

²Jones, Anson, Memoranda and Official Correspondence Relating to the Republic of Texas, 27.

Mr. Baker having asked to be excused, Mr. Wharton was substituted in his stead.¹

.....

EARLY BILLS ON EDUCATION

Joint Resolution granting lands to each county
for the purposes therein named.

Read 1st time 22nd Nov. '38.

Read 2nd time 28 Nov. '38.

Resolved &c.

- 1^s that there shall be granted to each county of this Republic and Each County that may be hereafter created two Leagues of Land for the Exclusive benefit and use of Education of Poore children of sd county
- 2^d be it further Enacted that it shall be the Duty of the chief justice of Each County to order and Election in these Respective countys by the qualifyd voters to Elect 5 trustees citisans of sd county
- 3 and it shall be the Duty of sd trustees as soon as Elected to Locate two Leagues of any public Lands in this Republic for the benefit of poor schools
- 4 be it further enacted the any county surveyor or Legal authorized Debty shall be authorised to survey any Lands pointed out to them by sd trustees and forward the Field notes to the Commishear of the General Land office whos duty it shall be to cause the same to be patended to the said Trustees and their sucesessor in office
- and be it further Inacted that the said trustees so Elected by a magority of the legal voters of Each County shall be and they are mad a body Politick in der (under) the same Laws and Regulations of the Law to govern and regulate the Decalb Colledge²

¹*Journal of the House of Representatives of the Republic of Texas, Regular Session of Third Congress, Nov. 5, 1838, 10.*

²In the vault of the Secretary of State.

Dec. 5, 1838

.....
Bill to set aside four leagues of land to each county
.....

See 5th It is hereby declared that all lands so located shall be held sacred for the purpose of promoting the diffusion of elementary knowledge within the Republic and shall be disposed of for that purpose alone by future Legislation.¹
.....

MESSAGE OF THE PRESIDENT
MIRABEAU B. LAMAR

Lamar was elected President of the Republic in 1838. His interest in schools and educational matters was profound and intelligent and was widely known. He received many appeals from people both within and without the State setting forth the benefits of education and suggesting laws which should be enacted. In his first address is a discussion of education which deserves to be considered a classic.

Thursday, December 20th, 1838.

FELLOW CITIZENS OF THE SENATE AND
HOUSE OF REPRESENTATIVES.
.....

If we desire to establish a Republican Government upon a broad and permanent basis, it will become our duty to adopt a comprehensive and well regulated system of mental and moral culture. Education is a subject in which every Citizen, and especially every parent, feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feelings, excited; for its benefits are so universal that all parties can cordially unite in advancing it. It is ad-

¹In the vault of the Secretary of State.

mitted by all. that cultivated mind is the guardian genius of Democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that freemen acknowledge, and the only security that freemen desire. The influence of Education in the moral world, is like light in the physical; rendering luminous, what before was obscure. It opens a wide field for the exercise and improvement of all the faculties of man, and imparts vigor and clearness to those important truths in the science of Government, as well as of morals, which would otherwise be lost in the darkness of ignorance. Without its aid, how perilous and insufficient would be the deliberations of a Government like ours? How ignoble and useless its legislation for all the purposes of happiness? How fragile and insecure its liberties? War would be conducted without the science necessary to insure success, and its bitterness and calamities would be unrelieved by the ameliorating circumstances which the improved conditions of man has imparted to it. And peace would be joyless, because its train would be unattended by that civilization and refinement which alone can give zest to social and domestic enjoyments,—and how shall we protect our rights if we do not comprehend them? And can we comprehend them unless we acquire a knowledge of the past and present condition of things, and practice the habit of enlightened reflection? Cultivation is as necessary to the supply of rich intellectual and moral fruits, as are the labors of the husbandman to bring forth the valuable productions of the earth. But it would be superfluous to offer to this Honorable Congress any extended argument to enforce the practical importance of this subject. I feel fully assured that it will in that liberal spirit of improvement which pervades the social world, lose not the present auspicious opportunity to provide for literary institutions, with an influence commensurate with our future destinies. To patronize the general diffusion of knowledge, industry, and charity, has been near the hearts of the good and wise of all nations; while the ambitious, and the ignorant would fain have thwarted a policy so pure and laudable. But the rich domes and spires of edifices, consecrated to these objects, which are continually increasing in numbers, throwing their scenic splendor over civilization, and attesting the patriot-

ism of their founders shew that this unhallowed purpose has not been accomplished. Our young Republic has been formed by a Spartan Spirit. Let it progress and ripen into Roman firmness, and Athenian gracefulness and wisdom. Let those names which have been inscribed on the standard of her national glory, be found also on the page of her history, associated with that profound and enlightened policy, which is to make our country a bright link in that chain of free States, which will some day encircle, and unite in harmony, the American Continent. Thus, and thus only, will true glory be perfected. And our nation, which has sprung from the harsh trump of war, be matured into the refinements, and the tranquil happiness of peace. Let me therefore urge it upon you, Gentlemen, not to postpone this matter too long. The present is a propitious moment, to lay the foundation of a great moral, and intellectual edifice, which will in after ages be hailed as the chief ornament and blessing of Texas. A suitable appropriation of land to the purpose of general Education, can be made at this time without inconvenience to the Government or the people; but defer it until the public domain shall have passed from our hands, and the uneducated youths of Texas, will constitute the living monuments of our neglect and remissness. To commence a liberal system of education a few years hence may be attended with many difficulties. The imposition of taxes will be necessary. Sectional jealousies will spring up; and the whole plan may be defeated in the conflict of selfishness; or be suffered to languish under a feeble and inefficient support; a liberal endowment which will be adequate to the general diffusion of a good rudimental education in every district of the Republic, and to the establishment of a University where the highest branches of science may be taught, can now be effected without the expenditure of a single dollar. Postpone it a few years, and millions will be necessary to accomplish the great design.

.....

(Signed) MIRABEAU B. LAMAR.¹

¹*Journal of the House, Third Congress, 168-170.*

ANOTHER EARLY BILL

Monday, Dec. 31st, 1838.

.....

Mr. Cook introduced a bill entitled an act to raise a public revenue of three hundred thousand dollars for the promotion of public schools by a lottery, which was read a 1st time.¹

.....

Three O'clock P. M.

.....

Mr. Cook introduced a bill entitled an act to raise a public revenue for the creation and perpetuity of public schools, which was read a 2d time, and one hundred copies ordered to be printed.²

REPORT OF THE COMMITTEE ON EDUCATION

Friday, January 4th, 1839.

.....

Mr. Cullen, from the committee on education, made the following report:³

¹*Journal of the House, Third Congress*, 243. This bill has not been found^a

²*Ibid.*, 246. This bill has not been found.

³In connection with this report the following statement is of interest:

Rockville, Ind., Feb. 28th, 1879

Education in the Republic—I notice some stirring writing in the Texas Presbyterian of this week, on the subject of education. I am sorry to hear of the charge of indifference to the subject by so large a portion of the population. Let me give a reminiscence on the subject.

In Nov. 1838, the Second (Third) Congress of the Republic met in

The committee to whom was referred the subject of education as well as that part of the President's message relative to the same, have not been able to devote that time, and bestow that reflection upon the subject which the importance demands. Your committee, however, trust that the report they now submit for your consideration will prove satisfactory; for, as has been justly remarked by the President, "the influence of education in the moral world is like light in the physical, rendering luminous what was before obscure." It opens a wide field for the exercise and improvement of all the faculties of man, and it imparts vigor and clearness to those important truths in the science of government, as well as of morals, which otherwise would be lost

Houston. In the appointment of the House Committee, Col. John Wharton was first on the Committee on Education. A few days after Congress met, he was laid upon a sick bed. His disease proved fatal in a few days. I was then chaplain of the House, and, at his request, visited him several times during the earlier stage of his sickness. During one of these visits, he requested me to write a Report for the Committee on Education, of which he was the Chairman. In compliance with his request, I wrote¹ an extended Report, urging the importance of the early attention of Congress to make timely and ample provision for education, as the only safe ground of hope for the permanent prosperity of the Republic, and to foster such measures as would raise the vocation of the teacher to respectability and honor. After Col. Wharton's death, I handed the Report to the next member of the Committee, supposing that, of course, he would be chairman. But the member who was appointed in Col. Wharton's place claimed the chairmanship, took the paper that I had prepared, wrote a page or two by way of introduction, and had it and my paper read as being his own, without a word of explanation. He was from the Red Lands, I have forgotten his name. I suppose the Report² is still in the archives of the Republic, in my hand writing. If the Wharton brothers had lived, I think the cause of education would not have slumbered so long.³

¹Compare *Quarterly Texas State Hist. Assoc.*, Vol. XVII, 286.

²"An investigation did not locate the manuscript. The body of the report is in Allen's style." Note by Mr. E. W. Winkler in the *Quarterly*.

³Allen's *Reminiscences*. In *Quarterly Texas State Hist. Assoc.*, Vol. XVII, 302-303. Reference to page 148 will show that Mr. Allen's statement is somewhat inaccurate. Mr. Cullen who made the report was the next in order on the original committee. However, a careful study of the report will show that it was probably the work of two men writing at different times. A report of the clerk of the House on December 26, 1838 lists Jas. L. Lester as chairman of the Committee on Education.

in the darkness of ignorance. Nothing is so essential in a free government as the general diffusion of knowledge and intelligence of every kind. Education confers private happiness; it gives political strength and importance; it exalts the mind, refines the passions, polishes the manners, and promotes virtue; it is the foundation of civil and religious liberty, and constitutes national strength and glory. For it has been truly said, "that knowledge is power," and it is to the enlightened influences of education that England, France and the United States of the North, are indebted for the proud and enviable station that they now occupy among the nations of the earth; and the want of education has no doubt been the principal cause of "fair and lovely Greece," once the nursery of the arts and sciences, and proud Rome, once the mistress of the world, being in their present wretched and oppressed condition.

Ignorance is the mother of vice and superstition; and with its concomitant train of evils, no doubt, has rendered our enemies, the Mexicans, as weak and contemptible as they are.

Your committee views it as one of the first and paramount duties of Congress to provide a system of general education; and although it is not in our power to carry into effect immediately a general system, yet we should lay the foundation while it is in our power, by making suitable appropriations of the public domain, and setting the same apart to enable us so soon as our situation will permit, to establish primary schools and colleges, where every class can alike receive the benefits and blessings of education.

Intelligence is the only true aristocracy in a government like ours; and the improved and educated mind has, and will ever triumph over the ignorant and uneducated mind; and our separation from Mexico, and consequent revolution, is to be attributed, in a great degree, to the difference between the Texians and the Mexicans, in their mental culture and improvement, and consequent powers and superiority.

By recurring to our declaration of independence, your committee find the following, among other reasons assigned, for dissolving our connection with the Mexican government, viz: It (that is the combined despotism of the sword and the priesthood into which the government had settled down) has failed to es-

tablish any public system of education, although possessed of almost boundless resources, (the public domain.) And to aggravate this just cause of grievance, it is declared to be an axiom in political science that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or capacity for self-government.

Your committee, after calm and deliberate reflection on the subject, and aided by the light of history, see no cause to pollute (palliate) the criminal negligence of the despotic government of Mexico during our connection with it, in failing to appropriate the ample means at its command for the education and enlightening of its youthful population, nor are they, for a moment, disposed to question the truth of the axiom upon which this cause of grievance is based.

Acquiescing, therefore, fully, both in the cause of complaint and in the justness of the axiom from which it arises, your committee have been led to inquire what has been done to vindicate the sincerity and consistency of the people of Texas in urging the above reasons for dissolving all connection with the hateful and intolerable despotism of Mexico, and resorting to the experiment of self-government? If we could not secure the education of our youth while connected with that people, for the want of power to control the disposition of the public domain, are we now, that we have taken this very power into our hands, so employing this domain, or any portion of it, for the promotion of domestic education? Have we, as a people, acted as if we verily felt the grievance of which we complained, or the truth of the axiom, "that unless people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity of self-government?"

What must an "impartial world," to whom we felt bound to submit a statement of our grievances, think when they see none of that "public domain," which we consider ourselves justly to have wrested from the oppressor, set apart for the purpose of educating those whose interests we complained had been grossly neglected, and see us making no practical application of one of the most certain maxims of political science? Does not a regard to the sincerity of our professions before the world—a regard to consistency and truth, as well as a regard to the interests of our

country, demand the prompt attention and efficient action of Congress, in relation to this momentous subject?

To excite such attention, and to secure such action, your committee beg leave further to suggest, that although not furnished with the requisite data for anything like an accurate estimate of the number of children now in the Republic, and of a suitable age to enjoy the benefits of a good schools, or of the number absolutely destitute of such advantages, yet they are compelled to believe that the proportion of the latter class to the whole number now in the country, is very great. Your committee see it stated on what appears to be good authority, that in the State of Pennsylvania out of 400,000 children of a proper age to be enjoying the advantages of schools, only 250,000 are in the actual enjoyment of such privileges, *i.e.* three-fifths, or a little more than half the whole number of children. In the States, West and South-west of Pennsylvania, probably a much smaller proportion are found in reach of school instruction. And all this destitution, notwithstanding the comparative age, and tranquillity, and dense population, and prosperity of those States. What, then, must be the absolute destitution of very much the larger portion of the youth of our country—scattered as they are, and recent as has been the introduction of many of them—and exposed as they have been to all the vicissitudes attendant upon new settlements, and the struggles of our recent revolution?

Though the present adult population of Texas perhaps contains as much, if not more, educated talent than the same amount of population in any other country so new on the face of the globe; yet this is no criterion by which to estimate the present advantages of our native and emigrating youth. But a small portion of the educated talent, as yet in our country, is of native cultivation. Most of what we now possess of this indispensable material has been lured hither, by the new and promising field, so suddenly opened for its employment by our revolution. Few of the youth born and fostered on our own soil know anything of the advantages of the school. Those now growing up without education, as well as those of the same character who, with their parents, we soon expect to join us here, will soon be beyond the reach of such advantages unless something is done, and that speedily, to meet their wants. For be it remembered, that the

disproportion between the educated and uneducated children in our country will greatly increase, unless very prompt and efficient measures are devised and prosecuted to prevent that increasing disproportion. This disproportion between the adult and youthful parts of your population will decrease as the difference between married and unmarried emigrants to our country becomes secure from the fear of Indian and Mexican depredation. For we have thrown open our doors very wide. Already our invitations abound almost to the ends of the earth. We have offered a wide field to the enterprising—a noble theatre to the aspiring—and a secure asylum to the oppressed. Our invitations have been heard and accepted by many. Already are the currents of emigration setting this way; not only from all parts of the United States, but also from England, from Ireland, and Scotland, and from Protestant Germany. But these currents will necessarily float in upon our soil vast numbers of uneducated children, to swell the numbers already here, and still destitute of the means of instruction. And these children, whatever may be their character and accomplishments, will soon be invested with all the privileges and responsibilities of citizens, of voters, and of parents. But shall they receive the knowledge requisite to fit them to sustain the dignity of citizens, and to meet the responsibilities of the voter and the parent? Shall they be qualified by education of the proper kind—education of the feelings as well as intellect, to take, and maintain, and carry out expanded views of their personal, social, civil, and religious obligations? Such education as shall render them competent to self-government; and for want of which they will be but the grovelling slaves of their mean and despicable passions, or the pliant tools of the wily and ambitious demagogues.

Our country has boundless sources of national wealth still dormant in its soil, its forests and its minerals. Intellectual capabilities for developing these sources, will be attracted hither by our invitations and our pledges; but what will avail all our resources of wealth without the skill to bring them out; or, if discovered and developed, what would be their advantage without the knowledge to appropriate them to their legitimate ends? And whence can this knowledge and skill be obtained but from the moral and mental discipline which alone give right reason

its proper predominance over the low and vulgar passions which are cherished by ignorance.

How is civil liberty to be continued, or self-government sustained, by those who know nothing of their principles? Upon the practicable application of the axiom already quoted does it depend whether our government shall be a strong, and energetic, and happy, and permanent one—a praise among nations; or, a poor, weak, rickety, despicable, short-lived thing—scoffed and condemned by the enemies and pitied by the friends of rational liberty.

And whence is this necessary moral and mental discipline, and the elementary knowledge necessary to qualify the children of freemen to appreciate the privileges and meet the responsibilities which they must soon inherit, except in institutions conducted by those who have made the human mind their study? As but few parents are qualified, or if they were, are unwilling to take the time and trouble, to educate their children, it follows, of course, that if their children are educated at all, it must be by means of schools of some kind.

Now, that there will be schools as population flows into our country, and neighborhoods are formed, there can be no doubt.

But few parents will be found who will not be willing to make some effort to have their children instructed. But what shall be the general character of our institutions of elementary instruction? Shall they be such as will really subserve the interests and answer the demands of education? Shall they be conducted by those who not only know the value, and something of the capabilities of mind, but who also know how to elicit and give a proper direction to those capabilities? Or shall they be, as has too often and lamentably been the case, but engines for crushing the youthful intellect, and repressing every noble aspiration of the opening mind, by being entrusted to the control of ignorant or vicious teachers? The character of our schools, and the results of all future efforts in the cause of popular education, your committee think, will be very materially affected by the course which the present Congress shall adopt. And the vital importance to the future well-being and permanency of our nation must be our apology for the length of our report.

We wish not merely to secure some action, prompt, and liberal, and efficient, but also intelligent and substantially beneficial to our posterity and to the world. And may we not learn something, and profit something too, in relation to our duty on this subject, from what we have all seen in our parent land? And is not the present the time to profit by our experience and observation as to the defects and injurious tendencies of most of the common schools of which most of us know anything? Surely now is the time, if ever, to profit in this way—now, while our government and our institutions are in their infancy, and society is in its forming state.

To secure the right kind of education for our youth, it is absolutely necessary that the right kind of teachers be secured. The moral character and literary qualifications of the instructors of the children of our country, are two points to which too much attention cannot be directed. The relation which teachers of youth sustain, both to the taught and their parents, and through these to the whole community, involves obligations on the teacher's part of the very highest moment. For, if the children entrusted to his care are blessed with kind, and faithful, and intelligent parents, it is of the utmost importance to the children that the parental influence be not counteracted by the moral delinquency of those who are called in to aid the parents in training their offspring for the discharge of the active duties of life. And if the children be so unfortunate as to have parents of a different character—either ignorant of parental duty or indifferent to its vigorous and persevering discharge, much more is it important that this defect should be as far as possible remedied by well conceived and well directed efforts of their teachers. In every case, then, it is of the first importance that instructors of children should be disposed, as well as qualified, to educate the feeling, as well as the intellect, of those committed to their care. But there is no reason to expect this from persons of indolent, or irregular, or licentious habits, or of men of mercenary impulses—by persons whose views and aims are bounded by the narrow horizon of interest or passion, seldom or never looking to, or incapable of appreciating the dignity of the vocation which brings them into contact with the germs of thoughts and feelings, in minds upon the proper culture of which the

usefulness of individuals, the happiness of families, yea the interests of nations, and the destinies of eternity, may, in many important respects, so materially depend. And yet, have we not all seen persons of this description by the recklessness or parsimony of parents and guardians of youth, thrust into this interesting and responsible vocation, or induced to seek it that they might obtain a piece of bread, and a shelter, and a coat.

But the teaching profession needs equally to be guarded against the intrusion of ignorant and incompetent, as well as vicious aspirants. Persons who themselves have not learned to think, how shall they teach others to think? Can those who have received no severe mental training be expected to furnish such a training to others? Such teachers, or rather empirics, may keep youth about the vestibule of knowledge, but can never conduct them beyond the threshold of mental accomplishment—and it is idle to expect such a result from those who themselves have never passed the threshold. What we want, then, are teachers who will appreciate the responsibility of dealing with beings just forming their character for personal happiness and relative usefulness. Teachers who shall be qualified to train both the intellect and heart of those who are just beginning to think and feel on the momentous and complicated interests of human life—of domestic and social, and civil and religious privileges and duties.

But to secure such teachers, the teaching profession must take a more elevated stand in public estimation. Its importance to the whole community must be more generally felt and acknowledged. This will require a corresponding elevation of the standard of professional qualification in the instructors of youth. Such an elevation as will demand a degree of native talent, and a severity and extent of mental discipline and professional training on the part of the teacher of youth by no means inferior to that required by any of the learned profession. In order to this, inducements must be held out sufficient to make the teaching profession to be sought and pursued by those whose talents and accomplishments would entitle them to a far higher rank in the public estimation than has usually been accorded to the mere schoolmaster. This cannot be done until quack schoolmasters are discountenanced—until they are

regarded with the same disgust and odium which ought to drive the empiric doctor and pettifogging lawyer from every intelligent and refined community.

Congress has thought it proper to protect the community, and the medical and legal professions, by special enactments requiring candidates for public favor to sustain satisfactory examination, or to exhibit suitable credentials before persons competent to judge of professional qualifications—and it is not so much the fault of the laws as of the guardians of those laws that so many unworthy and incompetent persons are permitted to insinuate themselves into the professional ranks, and to tamper with the lives and property of the people—and may not the magnitude of the interests devolving upon the instructors of our youth as reasonably demand a similar protection of our national legislature? A board of censors for particular districts, similar to our boards of medical censors, by whom all persons wishing to engage in the business of public instruction should be closely and thoroughly examined and recommended, would seem to be one means of enhancing the reputation of the teaching profession, and of guarding the public confidence against so frequent abuse as it has been wont to suffer.

But in order to secure teachers of competent talents and accomplishments, such as shall bring their profession up to an equality in public estimation with the legal, clerical and medical professions, something more substantial must be granted them than legal protection, or the honor their true position in society justly demands for them. The emoluments of a vocation so laborious and responsible, and requiring talents and accomplishments, by no means more common or easily attained than those of any of the learned professions, should bear some proportion to those of any of these professions.

Until this is the case, men who may be every way qualified for the business of instruction, if they engage in it at all, it will only be as a stepping-stone to the more lucrative of the profession. They will occupy this merely as a vantage-ground while they survey the more promising fields of literary or professional pursuit; and will only occur till they can secure something to liquidate past debts, and to pay their way while preparing for some more lucrative vocation. It cannot be expected that ardent

young men whose preparatory course has been as protracted and expensive as that of others, will choose the business of instructing youth, at a salary of \$800 or \$1,000 annually, while the same talents and accomplishments, if devoted to the pursuit of medical or legal practice, promises from \$3,000 to \$4,000. With a difference of pecuniary advantages in view, it cannot be expected that those who are really qualified for the instruction of youth will continue in such a business longer than they can avoid it.

Then it becomes a question of great interest, how shall competent teachers be suitably compensated in our country? Shall the matter be left to the ability and discretion of every neighborhood and district to furnish its own teachers; and if they are rich and liberal, or sufficiently numerous, and desire it, to find a good teacher and pay him well, or if they be few and poor, however solicitous they may be to secure good teachers for their children, yet be obliged to employ those who will serve them for small salaries; or, if they care nothing about the matter, shall nothing be done to enlighten them on the subject of parental duty, and to secure for their children, among whom may be found many capable of becoming ornaments to their nation and blessings to their kind, and the requisite instrumentalities for involving and training their latent capabilities?

Or shall liberal appropriations of the public means be secured to every neighborhood, which, together with what the neighborhood may be able to furnish, may be sufficient to secure the services of competent teachers for all the neighborhoods in our Republic.

Or, by liberal appropriations to a number of the most eligible and accessible points, secure the establishment of suitable literary institutions, at which either a primary or more extensive education may be furnished at as little expense as possible to all classes of the community who may be at all inclined to avail themselves of the benefits of such institutions.

For our country, this latter plan seems the most desirable. Owing to the scattered condition of our population, but few neighborhoods can afford, unassisted, to sustain a well qualified teacher, of course many children must either be sent from home or remain destitute of all the advantages of schools.

But let such schools be established as the wants of the country may require, at suitable points where boarding can be furnished cheap, and tuition gratis, to those who may be unable to pay both for board and tuition. Let great care be taken in the selection of locations, and of teachers, and of superintendents. Let these be well paid by the public, and the public will not lose by educating its own youth at home, where it can be done, if the proper exertions are made.

Your committee, therefore, recommend the adoption of the following bill.¹

(Signed) E. W. CULLEN, Chairman.²

PROCEEDINGS OF THE THIRD CONGRESS

January 1839

Wednesday, Jan. 9th, 1839.

.....

On motion of Mr. Cullen, the bill entitled an act appropriating certain lands therein named for the establishment of public schools, was taken up, and read a 2d time.

On motion of Mr. Kaufman, the clerk proceeded to read the bill section by section.

Mr. Jenkins moved to adjourn until to-morrow morning at 10 o'clock; lost.

Section 1st. Mr. Jones offered the following amendment, to-wit:

Except the counties that have already received a donation of land for the purpose of education, or those counties in which there may be a town, which under the colonization laws, have already received or are entitled to four leagues of land.

Mr. Cullen moved for the previous question; which motion was withdrawn.

Mr. Cook then offered the following substitute to the amendment proposed by Mr. Jones, to-wit:

Provided, however, the counties to whom donations of land have been made, shall still have the land appropriated, as much

¹The bill is omitted. See law page 167.

²*Journal of the House, Regular Session of Third Congress, 270-278.*

as three leagues of land which have not yet been used, or granted to corporations or county purposes; provided, moreover, if any counties have not yet, undisposed of, three leagues of land, this act shall grant to the same a sufficient quantity of land to make the leagues certain, the provisions of this act.

.....

The bill donating lands for the establishment of public schools was resumed.

Mr. Cullen moved to reject the substitute proposed to the amendment.

Whereupon, the substitute and the amendment was withdrawn.

Mr. Jenkins moved to adjourn until to-morrow morning, at 10 o'clock: lost

The bill was resumed.

Section 4th. Mr. Holmes moved to strike out "twenty," carried.

Mr. Cook moved to adjourn until tomorrow morning, at 10 o'clock: lost.

The bill was again taken up.

Mr. Holmes moved to insert "fifty"; carried.

Mr. Baker moved to strike "out one to be established in Eastern Texas and the other in Western Texas; motion carried.

Mr. Tower moved to adjourn until to-morrow morning, at 10 o'clock; lost.

Mr. Cullen moved for the previous question.

Which motion the Speaker decided to be out of order.

Mr. Cullen moved to engross the bill for a 3d reading, and at the same time moved for the previous question.

The main question being put, shall the bill pass? was decided in the affirmative.

The main question on the question for the engrossment of the bill being put, was carried.

On motion, the House adjourned till tomorrow morning, 10 o'clock.¹

¹*Journal of the House. Regular Session of the Third Congress, Nov. 5, 1838, 316-318.*

Wednesday, Jan. 16th, 1839.

.....

Mr. Cook moved to take up the bill entitled an act to raise a public revenue for the establishment of and perpetuation of schools and academies; motion lost.¹

AN ACT

*Entitled an Act for the Permanent
Location of the Seat of Government*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That there shall be and are hereby created five Commissioners, to be elected two by the Senate and three by the House of Representatives, whose duty it shall be to select a site for the location of the Seat of Government, and that said site shall be selected at some point between the rivers Trinidad and Colorado, and above the old San Antonio road.

SECTION 2. *Be it further enacted,* That the name of said site shall be the City of Austin.

.....

SECTION 12. *Be it further enacted,* That the said agent, before the sale of said lots, shall set apart a sufficient number of the most eligible for a Capitol, Arsenal, Magazine, University, Academy, Churches, Common Schools, Hospital, Penitentiary, and for all other necessary public buildings and purposes.

.....

APPROVED January 14, 1839.

MIRABEAU B. LAMAR.²

¹*Ibid.*, 354.

²*Laws of the Republic of Texas, Passed at the First Session of the Third Congress, in one volume, 36-40;*

Gammel's *Laws of Texas*, Vol. 2, (161-165).

AN ACT

Entitled an Act appropriating certain lands for the establishment of a general system of Education

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,*

That each county of this Republic shall have three leagues of land surveyed and set apart for the purpose of establishing a primary school or academy in said county, which said land shall be located and surveyed by the county surveyor, or his deputy, in each county and be paid the fees now allowed under the land law, out of the county treasury; *Provided*, There is that quantity of good vacant land in the counties: *And further provided*, That said land may be surveyed in any size tracts: *Provided*, That said land shall not be surveyed in tracts less than one hundred and sixty acres.¹

SECTION 2. *Be it further enacted*, That where there is not a sufficient quantity of good land that is vacant in any county, the county court of such county or counties shall be and they are hereby empowered and required to have surveyed upon any of the vacant lands of this Republic, said quantity of land, and pay the expenses of the land out of the county treasury

SECTION 3. *Be it further enacted*, That when said lands are surveyed in accordance with this Act, the surveyor shall return a correct description of the same, with the field notes of the survey, to the clerk of the county court, who shall record the same, and forward a transcript of the same to the Commissioner of the General Land Office after it is recorded with the certificate and the seal of office thereto attached; and when the lands so surveyed are not situated in the county for which it is surveyed, the description and field notes shall be recorded in the county where it is surveyed, as well as in the county for which it is surveyed, and forwarded to the land office as above described.

SECTION 4. *Be it further enacted*, That the President of the Republic be, and he is hereby authorized and required to ap-

¹This last proviso is not found in the bill as given in the *Journal of the House*, 279. The original bill is not obtainable in the Archives of the Secretary of State.

point a surveyor and have surveyed on and from any of the vacant lands of this Republic, fifty leagues of land, which is to be set apart and is hereby appropriated for the establishment and endowment of two Colleges or Universities, hereafter to be created; and that the President is hereby authorized to draw upon the Treasury of this Republic for such sum or sums of money as may be necessary for defraying the expenses to be incurred by locating and surveying said lands.

SECTION 5. *Be it further enacted*, That said surveyor so appointed, shall make out a complete description of the land so surveyed, and a neat and correct map of the same, and deposit them together with the field notes in the General Land Office of this Republic; and shall also take and subscribe to this oath or affirmation: I, A B, do solemnly swear (or affirm), that I have well and truly discharged my duties to the best of my knowledge and ability, and that the field notes and description of said land are as correct as I could make them, so help me God.—Which said oath is to be taken before a chief justice of the county court, and deposited in the Land Office; and the surveyors of the different counties, to survey the land contemplated by this Act, shall take and subscribe the same oath, which shall be recorded in the clerks office of the county court.

SECTION 6. *Be it further enacted*, That none of the lands appropriated and set apart by this act for the purpose of education, shall be disposed of in any manner except by lease until the expiration of three years; and none of said lands shall be disposed of by lease for a longer term than three years.

Approved, Jan. 26, 1839.

MIRABEAU B. LAMAR.¹

LAW ESTABLISHING A SCHOOL SYSTEM

AN ACT.

In relation to Common Schools and Academies, and to provide for securing the lands formerly appropriated for the purpose of Education.

SEC. 1. *Be it enacted by the Senate and House of Representa-*

¹*Laws of the Republic of Texas, passed at the First Session of the Third Congress, 120-122;*

Gammel's Laws of Texas, Vol. 2, (134-136).

tives of the Republic of Texas in Congress assembled, That the Chief Justice and Two Associate Justices of each and every county in this Republic, be and they are hereby appointed ex-officio a board of school commissioners in and for their respective counties with full power and authority, by their name of school commissioners for such county, to receive, hold, lease, sell, and convey, or otherwise dispose of any lands, tenements, goods, chattels or other property real or personal, of any kind whatsoever, which shall or may be given, granted, conveyed or appropriated to them for the benefit of schools or academies within their said counties, by any person, state, or body politic whatsoever; *provided*, that no act of said commissioners in relation to any property shall be valid, except it have for its object the establishment, support or benefit of schools within their respective counties.

SEC. 2. *Be it further enacted*, That it shall be the duty of the said school commissioners, as early after the passage of this act as may be convenient, to cause to be located and surveyed by some legal surveyor or surveyors, the three leagues of land appropriated to each of the counties of this Republic, by an act of Congress passed the 26th day of January, in the year 1839, entitled "an act appropriating certain lands for the establishment of a general system of education:"—*provided* the same have not been previously surveyed and located; and if any part of the said three leagues of land have been already surveyed and located, and due returns made thereof according to the provisions of the aforesaid act, then the said commissioners shall cause to be located and surveyed so much more land as will, including the parts surveyed and returned as aforesaid, amount to three leagues.

SEC. 3. *Be it further enacted*, That the county treasurer of any of the counties of this Republic, shall pay, upon the warrant of the Chief Justice, certifying under his hand that so much is due for surveying school lands for said county, to said surveyor or surveyors, so much money as the said warrant shall require: *provided*, that in no case the expense of said surveying and locating shall be greater than at the rate of one hundred dollars per league.

SEC. 4. *Be it further enacted*, That the said board of school

commissioners be, and they are hereby authorized to cause to be surveyed, in such maner as is prescribed by the before cited act, one additional league of land, in the manner therein described, which said additional lands the said board of commissioners may, in their discretion, at any time, sell and convey to any person or persons whatever, and apply the proceeds of the same, or any part thereof, to the purchase of the necessary scientific endowments, one-half for the use and benefit of an academie school of each county, and the remainder distributed equally among the various common school districts which may be laid off in their respective counties.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said commissioners of common schools, whenever, in their opinion, the population or interests of education require the same, to organize any parts of their said several counties into school districts, for the purpose of establishing schools in the same; in which case, the said commissioners shall cause to be published, in at least three places in the said district, a notice of the said organization, and the time and place of holding the first district meeting.

SEC. 6. *Be it further enacted*, That the said commissioners of common schools shall, ex-officio, be inspectors of schools and shall, by themselves, or by persons specially appointed by them for that purpose, examine all persons who may apply for employment at either academie or common schools; and when said commissioners shall be satisfied of the moral and literary qualifications of such candidates, they shall give him a certificate under their hands to that effect, without which certificate no teacher of any public school formed under this act shall be entitled to demand or recover any compensation for his services whatever.

SEC. 7. *Be it further enacted*, That, in examining persons desirous to teach either academie or common schools, the inspectors aforesaid shall not give a certificate of qualifications for teaching academie schools unless the candidate give satisfactory evidence of good moral character, and be a regular graduate of some college, or university of learning equivalent thereto; nor shall they give certificates of fitness to teach common schools.

unless the candidates give evidence of good moral character and capacity to teach reading, writing, English grammar, arithmetic and geography.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.¹

REPORT OF THE SECRETARY OF STATE

DEPARTMENT OF STATE,
CITY OF AUSTIN, OCT. 20th, 1840.

To His Excellency, Mirabeau B. Lamar,

.....
Document marked E contains further instructions to Wm. H. Hunt, Esq., surveyor to survey forty leagues of land for the establishment and endowment of two colleges or universities, under an act of congress for that purpose; also a circular addressed to the chief justice of the several counties, relative to locating and surveying three leagues of land for the purpose of establishing primary schools.

Knowing the great solicitude of your Excellency on the very important and interesting subject of education, and it being one in which every true friend of Texas must feel deeply interested; this department has taken much pains in urging it upon the proper officers to have the objects of the law complied with; and it is with deep regret that I have to inform your Excellency that none of these surveys have yet been made. In reply to the circular, (in document E,) addressed to the respective chief justices, a number have given to this department as a reason for the delay, that, the pay allowed by the act is insufficient to defray the actual expenses of locating and surveying said lands; and I would most respectfully suggest the propriety of directing the attention of the honorable congress to this subject.

With great respect, I have the honor to be
Your Excellency's most obedient servant,
JOSEPH WAPLES,
ACTING SECRETARY OF STATE.²

¹Laws of the Republic of Texas, Fourth Congress, 146-148; Gammel's Laws of Texas, Vol. 2, (320-322).

²Report of the Secretary of State, November Twenty-fifth, 1840, 4-5.

AN ACT

To Provide for the Support and Education of
Indigent Orphans.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the probate court of the several counties of this republic, shall have full power and authority to provide for the support and education of indigent orphans, by binding them out as apprentices to such person or persons as the court may select, and deem suitable, until the age of eighteen years, if a male; and sixteen, if a female; and the person to whom such indigent orphans shall be bound, shall engage by a covenant, to be entered in the indenture, to provide the apprentice with a sufficiency of good and wholesome food, necessary clothing, and washing and lodging; also, to teach the said apprentice, the business or occupation which he pursues for a livelihood; and also, to read, write, and cipher, as far as the rule of three; and at the expiration of said apprenticeship, to furnish the said apprentice with two complete new suits of clothing.

Sec. 2. Be it further enacted, That it shall be the duty of the probate court, to take care that the said apprentice is bred up in honest and industrious ways; and that the tutor or tutoress, in all respects, performs the stipulations of the indenture; and it shall be lawful for the said court, upon the complaint of any apprentice, by themselves or friends, against their tutor or tutorship, to hear and determine the same; and if it shall appear to the satisfaction of the court, that such complaint is well founded, and of sufficient magnitude to make a removal necessary, the court shall have power to remove such apprentice, and to bind him or her to such other persons as may be thought proper, imposing the same restrictions as before.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved Feb. 3d, 1841.

DAVID G. BURNET.¹

¹Gammel's *Laws of Texas*, Vol. 2, (640-641).

AN ACT

Incorporating the city of San Antonio and other towns therein named.

.....

SEC. 8. *Be it further enacted,* That the said council in conjunction with the justices of the county courts are hereby empowered and authorized to sell and alienate such public lots or parcels of land as may lie within this jurisdiction, and to which there is no legal claimant or title, and also to dispose of such houses or other buildings as may have formerly been the property of the corporation of said city, and the council may sue for and recover all debts, forfeitures, &c, accruing or due to the said corporation, the proceeds of such sales to be appropriated to the erection or repairs of a court house, jail and other such public edifices as may be deemed most fit, and to the erection and endowment of a public school.

.....

SEC. 10. *Be it further enacted,* That it shall be the special duty of said council to promote by every equitable means, the establishment of common schools, male and female within the limits of the corporation in which the English language shall be taught, and the children of the poor class of citizens invited and received gratis.

SEC. 11. *Be it further enacted,* That the town of Victoria be, and the same is hereby incorporated, and shall have the same power and be governed by the same rules and regulations as are enacted in the act of incorporation and government of the city of San Antonio, with the exception of having but five aldermen instead of eight.

SEC. 12. *Be it further enacted,* That the town of Gonzales be and the same is hereby incorporated, and shall have the same

power and be governed by the same rules, that are enacted for the incorporation and government of the city of San Antonio.

Approved, Dec. 14, 1837.

SAM HOUSTON.¹

AN ACT

To incorporate the City of Austin

.....

SEC. 7. *Be it further enacted*, That the mayor and Council shall have full power and authority to erect a hospital.
. . . . ; to establish and regulate such common schools as they may erect;

.....

Approved, December 27th, 1839.

MIRABEAU B. LAMAR.²

AN ACT

To incorporate the Towns of Victoria, Goliad, and Gonzales

.....

SEC. 9. *Be it further enacted*, That the said council shall have power and authority to sell and alienate any portion of the lands owned by said corporation, and appropriate the proceeds thereof to the erections of a jail, court house, and clerk's

¹*Laws of the Republic of Texas, in Two Volumes. Printed by order of the Secretary of State, 1838, Vol. 2, 37-39;*

Gammel's *Laws of Texas*, Vol. 1, (1380-1381).

²*Laws of the Republic of Texas, Fourth Congress, 212-213;*

Gammel's *Laws of Texas*, Vol. 2, (386).

office, and the remainder of said proceeds of said sale shall be appropriated for the purposes of education within said town and for no other purpose.

.....

Approved, 5th February, 1840.

MIRABEAU B. LAMAR.¹

RECOLLECTIONS OF EARLY SCHOOLS

EDUCATION IN 1837

REV. C. NEWELL

Mr. Newell, an Episcopal Clergyman, advertised that he would open a school in Velasco. As he remained in Texas only a few months it is not probable that the school was established.

EDUCATION

Since the war, education has been much neglected. . . the necessary result of the unsettled state of the country, and the want of teachers. But the people of Texas, like those from whom they sprung, are awake to its importance. It is one of the great leading objects upon which the man of family keeps his eye, and upon which the Texas statesman forgets not to ponder. Good schools will doubtless very soon and generally be established by the exertions of individuals and neighborhoods. Some leading men in Congress, and at least one influential member of the present Administration, are disposed to exert themselves to establish a general system of education. It was expected that a plan would have been presented to Congress during its late session; but a multiplicity of more pressing business probably prevented.

There are already some few places in Texas which offer flattering prospects to the teacher; and such will rapidly increase with the progressive settlement of the country. Indeed, to the well qualified teacher, who, with elevated views, would be extensively useful, and value a reputation in his profession, and a high

¹*Laws of the Republic of Texas, Fourth Congress, 276-279; Gammel's Laws of Texas, Vol. 2, (450-453).*

standing in community, as well as prospective pecuniary profit, Texas generally, and at the present time, offers very encouraging prospects. Such a teacher, establishing himself in that country now, might lay the foundation of a reputation and usefulness, as well as fortune, which at a subsequent period, might be impossible.

Parents, who have the means, are now very generally sending their children to the United States to be educated; but there can be no good reason for the continuance of this custom.¹

EDITORIAL ON A SCHOOL SYSTEM

MANHATTEN ACADEMY

This institution is just emerging into existence, and if properly fostered will, no doubt, succeed and add much to the character and praise of its projectors. A complete system of education is one of the greatest desiderata of our age. In a republic, education should become a national concern; in no other form of government is it so important that instruction should be universally diffused, that it should enlighten the deceptive mists and overwhelming shadows of ignorance—that it should correct the false views and oblique paths of prejudice—that it should remove the errors of superstition; and above all, that it should teach the inseparable connection of liberty and virtue. Education should be early that its impressions may be permanent—it should be profound that its impressions may be true—its should embrace the improvements of each passing hour—that we may keep pace with our rival in peace and war, it should be national that our first feelings and sensations may be the love of our country.

In the wide range of education and science, there is no human being, whatever may be his condition, and profession, his avocation, his pursuits, who has not some interest. Education would give new skill and value to the labors of the mechanic, new resources to the enterprise of the man of business, new enjoyment to the man of pleasure, new powers to the man of execution; and yet, how many are there who, turning from paths of

¹Newell, Rev. C., *History of the Revolution in Texas*, 188-189.

education with aversion, and horror, as too difficult, too laborious to be trodden; who, finding every useful acquirement above or beneath their capacity, pass their lives in ignorance or vice, hiding most carefully, the talent which had been committed to their trust; neglecting the duties they owe to society and to their country, and debasing every faculty by which alone, they are honorably distinguished in the works of creation. In created nature, man alone deserts his high station—man alone betrays his dignity and rank.

In the tribes of irrational animals, each individual fills his allotted space; distinguished, perhaps, from his fellows by trifling grades of swiftness or of strength, but between that height to which man may soon rise and that valley of moral and intellectual degradation to which he may descend, immeasurable is the space. It was the observation of one of the wisest men of modern ages, it was an aphorism of Lord Bacon, "that knowledge is power." No axion is more generally true in its individual—none more certainly true in its national application:

Knowledge is power. How wonderful the difference between the poor, naked, wandering savage trembling before the elements which, in terror, he adores; depending on his solotary unaided exertions for food, for arms, for raimant, for shelter, and the civilized man who, strong in the education and the resources of society, rides over the ocean even on the wings of the tempest, disarms the lightening of its power, ascends the airy canopy of heaven, penetrates into the profound caverns of the earth, arms himself with the power of the elements, makes fire and air, and earth and water, his ministering servants; and standing, as it were, on the confines of nature, seems, as by a magic talisman, to give energy and life to the brute elements of matter.¹

LETTERS TO PRESIDENT LAMAR²

I

SAMUEL ROWLAND

Dear Sir,

Permit me to lay before you the following thoughts on the

¹*Matagorda Bulletin*, Wednesday, January 24, 1838.

²Lamar received many letters in regard to the establishment of a system of schools in the Republic. Only two are given here.

necessity of establishing a system of Education in our young Republic; and it is with the greatest confidence I do so, feeling well assured that a subject so intimately connected with the welfare and happiness of society will receive from you every merited attention.

Since the Declaration of our national Independence, and the repulsion of the enemy from our land, our first object has been, and ought to be, the establishment of Peace within our borders: Our next, as it appears to me, ought to be the diffusion of its blessings to every family and every bosom. To effect this Education is indispensably necessary. By the wise and great of every age and country, Education has been regarded as a matter of paramount importance. Let us consider the influence it has on virtue and happiness. Without knowledge there can be no virtue; and without education there can be no knowledge. Some, indeed, have entertained the mistaken notion that a savage life or a state of nature is the best and purest mode of human existence: and some have carried this absurd notion to such extravagant length as to forget that they themselves lived in civilized Society. But, to whatever part of the globe, or to whatever history of mankind we cast our eyes, we shall find that ignorance and vice are by an immutable law of nature, the inseparable associates of each other. We can no more alter this arrangement than we can alter the constitution of the universe. In the savage the noble faculty of reason is a dormant principle. And hence, destitute of instinct and uninfluenced by reason, he is the perpetual slave of his ungoverned and ungovernable passions; and is the only animal in the world that has been known to kill or abandon its own offspring in a state of destitute and helpless infancy. And it is a fact too well established to be doubted, that man in a savage State has been known to murder his own kind, for the purpose of feasting upon the carcase. We may also remark that cannibalism has been practiced, not only by Indians and African Savages; but also in times of heathenish darkness, in different parts of Europe: And by the ancestors of those who are now the most enlightened and virtuous people on the earth. The depth of depravity and misery into which a state of ignorance is capable of sinking the human mind is inconceivably great. Witness the history of the world, particu-

larly between the period that intervened between the fifth and fifteenth centuries. At the beginning of this time, the then civilized World, which had but commenced to recover from heathenish superstition and bondage, by the regenerative influences of christianity, instead of progressing towards a state of convalescence, suffered a sudden and most dangerous relapse. A kind of lethergy seized the public mind. General knowledge and education became entirely neglected; and even those whose immediate duty it was to give instruction and administer such remedies as the case required, became themselves supine, slothful and negligent. Caring nothing for the public good, and puffed up with pride and arrogance, they sought only their own aggrandizement at the expense of every thing virtuous and praiseworthy. Science was altogether disregarded, and knowledge was cast away; and, in their room, ignorance and superstition were promoted, and prevailed to such an alarming extent, that the whole world was enveloped in darkness, ten thousand times more terrific and destructive than that of Egypt. During this time, as you well know, the Roman Empire was overrun by successive hordes of barbarians, and the various names of Alans, Huns, Ostrogoths and Visigoths, Tartars and Arabs. And by them it was ravaged and torn to pieces. Europe was devastated and its ancient governments overthrown in favour of the feudal system. Books, the repositories of Science and implements of Education, were indiscriminately cast into the flames. Instead of commercial enterprise, scientific researches, or benevolent pursuits, the delirium of chivalry, of romance and crusading pervaded the land. Enquiry was stifled, knowledge prohibited, and in certain cases punished with a most cruel death. The thrones of Europe groaned under Tyrants of the vilest stamp, who to gratify their own corrupt passions hesitated not to put to the sword thousands of the best persons.....

Now, what does the above picture prove? It demonstrates, beyond the possibility of a reasonable doubt, that a state of ignorance and neglect of education is the high road to vice of every description and misery of every grade.

On the other hand, it is no less true that knowledge and virtue are equally inseparable; and constitute the only road to excellency and happiness. Taking the continuation of the history

above alluded to for illustration; under the sway of ignorance, every thing concurred to introduce and establish a universal reign of gloom and horror. Now, mark the contrast. No sooner did the light of science begin to glimmer at the first dawn of the Reformation than the reign of tyranny and oppression trembled to the very centre. Under the fostering influences of Education the spirits of Wyckliff, Erasmus, Melancthon and Luther rose up; who nobly and fearlessly broke their own fetters, and asserted the right of man to the exercise of mental liberty. Instead of ignorance and superstition bright Science now diffused its vivifying and cheering influence throughout the land. And in proportion as Education develops its boundless resources, the reign of darkness ceases to exist, oppression and violence are no more. Peace, good order, justice and uprightness communicate strength and energy throughout the whole community. And in the United States of the North above all other countries instead of poverty, terror and woe, persevering Industry has filled every habitation with its bounteous treasures. The voice of gladness and joy reverberate from State to State, and from City to City.—Education is the only agency that can unfold and enlarge the human intellect; enlighten, correct and strengthen the judgment; it subdues, softens and ameliorates the heart; brings into operation every generous and virtuous principle; it fortifies and sets up reason on its proper throne, and brings into sweet subjection thereto both the passions of the mind and propensities of the body. For the eradication of evil habits, and the establishment and confirmation of those that are virtuous, the only effective means within the reach of man is Education. Under the blessing of Heaven, it never fails to ennoble and adorn the whole man; to render him generous and liberal, useful to Society and happy to himself. In a word whatever excellences we possess as individuals or as a nation we own entirely to Education. And let us ever remember that the tree of liberty, so lately planted in this land cannot possibly grow, much less flourish, without Education. In proportion as you permit the shades of night to pass over it, it decays and withers. Moreover, in a Republican Government, like ours, if no effort is made to encourage Education throughout the community, it does not require the ken of a Prophet to foretell what state of things will necessarily follow.

For, in a state of ignorance, such glorious liberty as we now possess, may, and no doubt, will be converted into a deadly weapon capable of producing anarchy and confusion, far more dreadful in their consequences than the greatest despotism that ever filled a throne. Education is the paladium of free Government, the bulwark of every country, and the glory of every land. But I find my remarks are becoming too lengthy; I hope the importance of the subject will be esteemed a sufficient excuse for thus drawing your attention from other subjects, which perhaps at present are of still greater importance—Wishing you every happiness

Marion

Jan. 31th. 1838

I remain

Yours without guile

Saml Rowland.

P. S. Glad should I be to see Texas following the examples of New York, Connecticut or Massachusetts with respect to general education—¹

II

A. J. YATES

To His Excellency

Mirabeau B. Lamar

Dear Sir,

Having made the subject of Popular Education a matter of considerable research, particularly for the purpose of aiding in the establishment of some system adapted to the conditions of this Country, I take pleasure in submitting to your consideration some views and suggestions in relation to it which are the results of investigation.

As the neglect to establish such a system by the Mexican Government, was one of the causes of complaint set forth in the declaration of Independence of this Nation, and as the matter was neglected both by the Executive & the Congress, during the administration of your predecessor, notwithstanding a very strong Memorial² was presented to Congress, at its session in the Spring of 1838, it was with feelings of sincere gratification that your call of the attention of Congress to the subject, im-

¹Lamar Papers, Texas State Library.

²See page 147.

mediately on entering on the duties of your office, was regarded. With no less pleasurable feelings have this community witnessed the response which was promptly & liberally made by the Congress to that Call.

There are some features of the late law, worthy of attention, in order to improve it to the best advantage, and on which I beg leave, with all deference, to make a few remarks, before entering on the subject of forming a System of Popular Education.

The late law would seem, from its tenor, to have contemplated the provision of a separate fund for Academies and Schools for each county in the Republic. It does not expressly . . . ¹ and very fortunately so, because it must be evident that such a course would be unequal in its effects upon different sections of the Country. There are many Counties, where very valuable and choice lands cannot be had at this time, and if such Counties (which are the most populous and therefore in most need of good schools and financial aid, immediately) are compelled to derive their funds from lands located in other counties less populous, they must make a sacrifice of those lands, and receive less benefit from them, than the less populous Counties would do, which will not need aid for some time to come. In addition to this consideration, every county will have a separate organization and mode of disposing of its funds, and [some will] have a much better fund for the purpose than others. If the appropriation were made a General fund under the control of officers appointed by the Government, it would secure a uniform System of Education, and a uniform distribution of the benefits of the fund.

In the location of land for this fund, much advantage might accrue from the appropriation of some of those valuable lands that have been confiscated to the Government. Others might be obtained by making an exchange of school lands, with the owners of lands in the midst of compact settlements, as there are few persons who own several thousand acres of land in a body, who would not willingly exchange a few hundred acres for the same quantity of land more remote from settlements, considering themselves amply remunerated in the increased value of the re-

¹Letter illegible at this point.

mainder of their tract, by having a School or Academy established upon part of it.

In the organization of a system the following suggestions are respectfully submitted.

That a Chancellor of a University be appointed by the President, by and with the advice and consent of the Senate, who shall hold his office during life and good behaviour subject to [impeachment and trial in the Courts]. Each County shall at its annual election for Members of Congress, also elect one Visitor, who shall be a man of Classical Education, and shall hold his office for one year. It shall be the duty of each visitor to examine once in six months each Academy in his County, in company with a majority of the board of Trustees thereof, and at such examination together with the Teachers and said Trustees, to decide upon the merits of each scholar and to give licenses to those who have pursued a course of instruction to qualify themselves as Teachers of Common Schools, and certificates to those who are found qualified to enter the University and to make a report of all things connected with the Academy to the Secretary of the Board of Visitants at their semiannual meeting.

All of said trustees with the Chancellor shall meet once in 6 months, and examine the University in its various Departments, determine the claims of all candidates for the various degrees conferred therein, and make report of the same to the Secretary aforesaid, also of all matters connected with said University. They shall also appoint the Professors of the University & prescribe the course of Instruction to be pursued therein as well as in all Academies and Schools. A Secretary of the Education fund shall be appointed by the President by and with the advise and consent of the Senate, who shall receive semi-annual returns from all Schools, Academies, & the University of all matters relating thereto, and present the general statement of the same to the President annually. He shall also with the Secretary of the Treasury and the Comptroller form a Board to decide on the investment, & distribution of the Literary funds, & the fiscal interests of the fund generally.

The Collegiate Branch of the University shall be divided into Classical and Scientific courses each which shall embrace a course of study for 4 years, & no pupil admitted under the age

of 12, and they shall receive a Degree of Bachelor of Arts, if found worthy on the completion of the course. The University Department shall be divided into courses of Divinity, Law, Medicine, Public Instruction, and Political Science, and the Degree of Master of Arts granted in each after a course of 3 years study, and being found worthy on examination.

Academics & Schools for males or females may be established by the petition of any County, Town or District to the Board of Visitors, setting forth the number of scholars that will be furnished, for at least one year, the amount that can be raised by the subscribers, and the election of Trustees by said subscribers. On presentation of such petition at the semiannual meeting of the Board they shall decide on the establishment of such Academy or School, and an appropriation from the Education funds shall be made for its support, such appropriation being in all cases equal in proportion to the number of scholars, to all Academies and Schools.

In each Academy, male or female, there shall be a department of instruction specially appropriated to the education of Teachers of Common Schools, and the persons instructed therein shall receive a license to teach, after having pursued a course of study for three years after they have arrived at the age of 15. Students may be admitted to the Academies on examination by the Teacher, and one or more of the Trustees.

No Academy or School shall be entitled to any portion of the Education funds for its support that shall employ any other than a Teacher regularly licensed by the Board of Visitors, if he be the Teacher of an Academy, or by the Board of Trustees of an Academy, if he be the Teacher of a Common School, and after the expiration of six years, none shall be thus licensed who have not pursued a regular course of instruction in the institutions of the Country as provided in these departments.

The Trustees of each School shall be elected annually by the subscribers thereto & shall make semiannual examination of the scholars [the provision] of the board of Visitants.

Each Academy & School shall be provided with a good farm, and the superintendent thereof shall keep a boarding house for the scholars, at such price and under such regulations as the Trustees of said Academy or School may prescribe.

Such Sir is a brief and general outline of the plan which has appeared to me most feasible and best adapted to the condition of this Country. Being well assured that you have made it a subject of deep consideration, the foregoing plan is submitted with much deference, and in the hope that some of the suggestions may coincide with your views, though perhaps they may offer nothing which has not already had your consideration.

I have the honor to subscribe
myself with sentiments
of respect & consideration
Your obedient servant

A. J. Yates [Rubric]

Houston March 4th—1839.¹

LITERACY OF THE TEXAS PEOPLE

The emigrant removing to this republic, and the visitor who mingles with respectable society, will soon perceive that among the people are numbered a fair proportion of industrious, respectable and intelligent persons, whose deportment and conversation are marked by dignity and good sense. Nor will highly intellectual and literary men be found to be scarce. Among men of the different professions, are many not only skilled in their own particular departments, but well versed in the broad fields of general literature and science. A gentleman at the seat of government, the last winter, observed, that in the republic he found alumni of half the colleges in the United States.

It is not to be denied, however, that a large proportion of the settlers in the country are composed of the more unlettered parts of mankind. Most of them have received some education, enough to enable to keep their own accounts in one manner or another. Still there are many of them much more fond of spending a leisure hour in the forests with dogs and gun, than employing it in reading the most interesting book. Nor is this fact singular. Long accustomed to reside far from towns and places where books can be obtained, and by practice becoming skilled to bring down the deer or bear with the trusted rifle, he acquires a taste

¹Lamar Papers, Texas State Library.

for the sport, while his former habits of reading and thought have been broked up and forgotten.

.....

What has been said of the other sex, will sufficiently inform the intelligent reader of the character and habits of the females. A very large share of them in person preform the duties of the household, in preparing and cooking food, attending to the dairy, preserving cleanliness, and taking charge of the clothing, in addition to the cares of the nursery. Comparatively few of them have received the advantages of a refined education, but they are well versed in all that regards good housewifery, which, with good sense, and a courage to despise imaginary dangers, constitute some of the most practical virtues of a female pioneer of Texas. Not a few of these, and some whose minds have received a much more exalted and refined impulse, are more disposed to be useful than showy, have rendered themselves quite familiar with the use of fire-arms, with which upon occasion they have supplied themselves and families with necessary provisions.

Aware, though honored and cherished with a tenderness and affection unsurpassed in any part of the world, that widowhood and other disasters might befall them, they have with an energy worthy of the daughters of Sparta, met dangers, fought savages, encountered and overcome difficulties, and sustained their families in a manner, of which, under other circumstances, they would not have thought themselves capable. In the towns there are many ladies, whose taste, education and manners, would grace any saloon in any country.

.....

That the Texians are a reading people is manifested by the fact that there are now (1840) 12 news papers published in the state. One of these is a daily paper published in Houston.¹

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¹*A History of Texas or the Emigrants Guide to the New Republic,* 230 seq.

“THE OLD SETTLERS”
DON A BLISS

.....

Another consequence of the old settlers' isolation was a general neglect of books and newspapers; though when the struggle for independence came, there was a great awakening in this respect. But it would be a great mistake to suppose from this, that they were indifferent to schools. For wherever there were enough children to maintain one of these, a school was established, and the liberality of the old Texans in support of schools in comparison with their means, was not one whit behind the magnificent donations of our own time. Their far-seeing interest in education provided this State with a free-school fund that is the largest in the Union, and capped this free school system with a free university which should be the pride of the State, and which, with such men as Waggener, Dabney and Gould in its faculty, bids fair to soon become the leading institution of higher learning in the South.

But the darkest day for books and newspapers was the brightest for oratory. The absence of these other agents of information operated to wonderfully intensify the power of the speaker over the masses. Men would ride fifteen, fifty, nay sometimes a hundred miles, to hear a Houston or a Bowden. It was the eloquence of such men that roused the old settlers, few in numbers though they were, and scattered over a vast territory, to that short, sharp decisive resistance to Mexican tyranny, which resulted in the advent of the brightest star in the American constellation.¹

August, 1886.

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POPULAR INTEREST IN HIGH SCHOOLS

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At the last session of Congress an act was passes to carry into effect the former act in relation to common schools; in which it

¹Bliss, Don A., *The Old Settlers*, 5.

is provided that, as early as circumstances will permit, there shall be established in each county in addition to the common schools, a central academy or high school, in which classical literature and the higher branches of mathematics shall be taught. By the same law an additional league of land is granted to each county, to be applied equally for the benefit of said academy and the several common schools. The chief justice and his two associates of each county, by this act become *ex-officio* inspectors of schools, and are bound to secure proper teachers and visit the schools from time to time.¹

NEWSPAPER COMMENT *

COMMON SCHOOLS.—It is a great shame that notwithstanding the liberal appropriations which congress has from time to time made for the purpose of establishing public schools in the several counties of the Republic, that not one has been organized. There is a woeful indifference to the subject of education manifested by those who have been appointed its guardians. We know of very few instances in which even the land granted by congress has been procured or surveyed. Many opportunities of the most valuable location have been allowed to pass by unembraced, and the liberality of the Government and their benevolent intentions thwarted by the grossest neglect. It was made the duty of the school commissioners first to inquire if land in their several counties of a good quality could be covered by the grants, and then there was a choice of all vacant lands of the government. We can frame no excuse why this duty has not been performed. The county Treasurer was authorized to pay a certain sum for the expenses of locating these lands, and it was permitted to make absolute sale of one league of them in order to furnish the necessary books, instruments, &c. for the use of the schools. We do sincerely hope this matter will be attended to. No man of common feeling can ride through this country without seeing sufficient cause to lament its destituteness of means of educating children.—The want of schools is felt not only as a serious injury to our families, but it is a great weight in preventing other families from settling among us. No good father

¹Resident Emigrant; *A History of Texas*, 246.

could be induced by any prospects of gain to emigrate to a place where he could not educate his children, and therefore viewed as a matter of mere loss or gain we defraud ourselves of much pecuniary advantage.

As this is a subject to which too much attention cannot be devoted, we would respectfully recommend to the congress, to vest in the county courts authority to levee a school tax limited to a certain ratio and the mode of its expenditures strictly defined. Let a school house be built, a teacher hired who shall be a graduate of some college, let an annual salary be paid to him and all expenses of the institution defrayed out of the funds created by this tax. This is the plan pursued in the most enlightened States in the Union, and it has been found to answer an admirable purpose. When every man is taxed to support a school he will be sure to send his children there, and the rich as well as the poor will be glad to avail themselves of the opportunity of affording to their sons and daughters at home an education as good as could be obtained abroad. We make these suggestions in the firm persuasion that the establishment of common schools upon this plan through the length and breadth of Texas would greatly conduce to the happiness of its people.—*Brazos Courier*.¹

AN ACT

To establish and Incorporate Rutgersville College.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That a seminary of learning be, and the same is hereby established at Rutgersville in Fayette county to be denominated "The Rutgersville College."

SEC. 2. *Be it further enacted,* That there shall be eleven trustees, who are hereby authorized to take charge of the interests of the college and a majority of the whole number shall constitute a quorum to do business.

SEC. 3. *Be it further enacted.* That the following persons have been duly chosen trustees of the College, and are recognized

¹*Telegraph and Texas Register.* Houston, October 28, 1840.

as such, to-wit:—Andrew Rabb, Chauncey Richardson, Robert Alexander, A. P. Manley, J. S. Lester, Robert Crawford, W. P. Smith, John Rabb, James W. Cox, Joseph Nail, Gideon B. Lockridge.

SEC. 4. *Be it further enacted*, That the trustees aforesaid be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the President and Trustees of Rutgersville College; and by that name they and their successors shall, and may have perpetual succession; and be able and capable in law, to have, receive and enjoy, to them and their successors, lands, tenements, hereditaments of any kind in fee or for life, or for years, and personal property of any kind whatsoever, and also, all sums of money which may be given, granted or bequeathed to them for the purpose of promoting interests of the said college: *Provided*, the amount of property owned by said corporation shall not at any time exceed twenty-five thousand dollars.

SEC. 5. *Be it further enacted*, That there shall be a stated meeting of the Board of Trustees in each year at the time of conferring degrees; and that the President of said Board of Trustees shall have full power to call an occasional meeting of the Board whenever it shall appear to him necessary.

SEC. 6. *Be it further enacted*, That the Trustees of said college shall, and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that by their aforesaid name, they and their successors, shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity in this Republic; and to grant, bargain and sell, or assign any lands, tenements, goods or chattels now belonging to said, college, or that may hereafter belong to the same; to construct all the necessary buildings for said institution; to establish a preparatory department and a female department, and such other dependent institutions as they shall deem necessary; to have the management of the finances, the privilege of electing their own officers, of appointing all necessary committees; and to act and do all things whatsoever for the benefit of the said

institution, in as ample a manner as any person or body politic, or corporate, can and may do by law.

SEC. 7. *Be it further enacted*, That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of the said college, and of their own proceedings: *Provided*, the same be not repugnant to the constitution and laws of the Republic of Texas.

SEC. 8. *Be it further enacted*, That the head of said college shall be styled the President, and the instructors thereof the Professors; and the President and Professors or a majority of them, the Faculty of Rutgersville College; which Faculty shall have power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of Trustees can be had, but it shall be only in the power of a quorum of Trustees, at their stated meetings, to expel any student or students of the said college.

SEC. 9. *Be it further enacted*, That the Trustees shall have full power, by the President or Professors of the said college to grant or confer such degree or degrees in the arts or sciences, to any of the students of the said college, or persons by them thought worthy, as are usually granted and conferred in other colleges; and to give diplomas or certificates thereof, signed by them and sealed with the common seal of the Trustees of the college, to authenticate and perpetuate the memory of such graduations.

SEC. 10. *Be it further enacted*, That whenever any vacancy shall occur in the Board of Trustees, either by death, resignation, or otherwise, such vacancy shall be filled by a majority of the remaining trustees.

SEC. 11. *Be it further enacted*, That all necessary officers of said institution shall be appointed by a majority of the Board of Trustees.

SEC. 12. *Be it further enacted*, That whenever a vacancy shall occur in the presidency, or any of the professorships of the

college, the Board of Trustees shall have the power to fill such vacancy.

SEC. 13. *Be it further enacted*, That the Trustees shall have the power of fixing the salaries of all the officers connected with the college; of removing any of them for neglect or misconduct in office—a majority of the whole number concurring in said removal.

SEC. 14. *Be it further enacted*, That the institution hereby incorporated, shall be purely literary and scientific, and the students of all religious denominations shall enjoy equal advantages.

SEC. 15. *Be it further enacted*, That the lands, public buildings and other property belonging to the said college, are hereby declared to be free from any kind of public tax.

SEC. 16. *Be it further enacted*, That the Trustees of Ruttersville College, shall have corporate jurisdiction within a mile of the site of either of the public buildings belonging to the college; to suppress and abate nuisances, to restrain gross immoralities, by imposing a fine upon any peron or persons so offending within the limits of said jurisdiction, of not less than ten nor more than two hundred dollars; and said fine when imposed by the said trustees, shall be directed to any sheriff, constable or coroner of the county of Fayette; and the said sheriff, constable or coroner (as the case may be) shall proceed forthwith to act as if upon an execution, to attach and sell the property of said offender or offenders to the highest bidder sufficient, to satisfy said fine—due notice being given; and the proceeds thereof, after deducting the usual fees for said officers, shall be paid over to the trustees, for the benefit of said college.

SEC. 17. *Be it further enacted*, That the Trustees of Ruttersville College shall have power to appoint six honorary members to be added to the number; and the said members so appointed may take their seats at any meeting of the board, and have all the powers and privileges that other members of the board have: *Provided*, that a quorum of the board of trustees, constituted by this act, shall be present.

SEC. 18. *Be it further enacted*, That four leagues of land be, and the same is hereby granted to the President and Trustees of Ruttersville College, and their successors—to be located on any

vacant and unappropriated lands in this Republic, in tracts of not less than one league, and that the Commissioner of the General Land Office is hereby authorized to issue certificates in tracts of not less than one league in the name of the President and Trustees of Rutgersville College, and their successors, without charging any fees for the same; and the said President and Trustees are empowered to employ any legally authorized surveyor to locate and survey the same, and make return of his field notes, which shall be received and examined by the county surveyor, in the same manner as prescribed by law, without charging any fees for the same; and the Commissioner-General of the Land-Office is hereby required to issue patents for the same to the President and Trustees of Rutgersville College and their successors.

SEC. 19. *Be it further enacted*, That the said four leagues of land are hereby given, granted and confirmed to the said President and Trustees of the said college, and their successors, who shall have full power to alienate, sell, lease, rent or otherwise dispose of the same; and the proceeds of the same shall be for the erection of suitable buildings for the institutions, for the purchase of philosophical, astronomical and chemical apparatus, —and for the promotion of the arts, literature and science in general, and for no other purpose whatever.

SEC. 20. *Be it further enacted*, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

SEC. 21. *Be it further enacted*, That this act shall remain in force for the period of ten years from and after its passage, and no longer.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.¹

SECOND

ANNUAL CATALOGUE of RUTERSVILLE COLLEGE²
1841

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CLASSIFICATION

All the studies pursued at the College are divided into Departments or General Classes, with a Professor at the head of

¹Gammel's *Laws of Texas*, Vol. 2, (425-428).

each. These Departments will be modified or increased as the future prosperity of the College may require.

- 1.—Moral Science and Belles Lettres.
- 2.—Mathematics.
- 3.—Ancient Languages and Literature.
- 4.—Modern Languages.
- 5.—Natural Science.
- 6.—Preparatory Department.
- 7.—Female Department.

The students in each Department are divided into sections, so as to accommodate their different degrees of advancement in that particular Department, without any reference to their standing in the other Departments, or to the time they have been members of the College.

Any student may take a partial or an entire course, as may suit his circumstances; and when any one shall have completed the entire English¹ and Scientific Course, he shall receive a degree of Bachelor of Science and English Literature. But no one will be entitled to the collegiate degree of Bachelor of Arts, except he pass a thorough and satisfactory examination in the entire Classical Course. Whenever he does this, he will be entitled to the degree, without regard to the time he may have been in the College.²

COURSE OF STUDY OF RUTERSVILLE COLLEGE

I. *Department of Moral Science and Belles Lettres.*—Elocution, Porter's Analysis, Jamieson's Rhetoric, Hedge's Logic, Upham's Intellectual Philosophy, (2d edition), Wayland's Elements of Moral Science, Kame's Elements of Criticism, Paley's Evidences of Christianity, Wayland's Political Economy. Weekly exercises during the whole course in composition and declamation.

II. *Department of Mathematics.*—Davies' Algebra, Davies' Geometry, Davies' Plain and Spherical Trigonometry, Davies' Surveying, Navigation, Davies' Differential and Integral Calculus, Mahan's Civil Engineering, Norton's Astronomy, Natural Philosophy.

¹Just what was meant by the "English Course" is uncertain.

²*Second Annual Catalogue*, 10.

III. *Department of Ancient Languages and Literature.*—

LATIN—Gould's Ovid, Anthon's Caesar, Folsom's Ovid, Thanon's Horace, Kingsley's Tacitus; Latin declamation and composition. GREEK—Graeca Majora, (vol. 1.) Excerpta Historica, Excerpta Miscellanea, Excerpta Rhetorica, Excerpta Critica, Graeca Majora, (vol. 2), Lyrics, &c., AEschylus' Prometheus, Homer's Iliad (five books) AEschines and Demosthenes de Corona, Greek composition and declamation, Eschenberg's Classical Manual, Anthon's Lempriere's Classical Dictionary, and an ancient Atlas used for reference through the whole course.

IV. *Department of Modern Languages.*—SPANISH—Neuman's and Barette's Dictionary, José's Grammar, (by Sales), Brady's Guide, Traductor Español, Colmena Española, Extractos Españoles; FRENCH—Boyer's or Meadow's Dictionary, Levizac's Grammar, (Bolmar's Edition), Bolmar's Colloquial Phrases, Hent's Classical French Reader, Charles XII; ITALIAN—Evanglia's Dictionary, Bachi's Grammar, Bachi's Conversazione Italiana, Prose Italiane, Gerusalemme Liberata; GERMAN—Kunst's Dictionary, Fosdick's German Introduction, Gueter's Phrase-Book, Fellen's German Reader.

V. *Department of Natural Science.*—Johnston's Turner's Chemistry, Comstock's Mineralogy, Comstock's Geology, Comstock's Botany, Smellie's Natural History.

VI. *Preparatory Department.*—Town's Spelling-Book, Electric Readers, Chirography, Smith's Productive Grammar, Maltebrun's Geography, Worcester's Elements of History, Davies' Arithmetic, Davies' First Lessons in Algebra, Davies' Analytical and Descriptive Geometry, Anthon's Ancient Geography, Anthon's First Greek Lessons, Anthon's Greek Grammar, Anthon's Greek Prosody, Anthon's Greek Reader, Anthon's Cicero, Anthon's First Latin Lessons, Anthon's Latin Prosody, Andrew's & Stoddard's Latin Grammar, Cooper's Virgil, Comstock's Elements of Christianity, Comstock's Natural Philosophy, Comstock's Elements of Geology, Mineralogy and Botany, Guy's Astronomy and Burret's Geography of the Heavens.

VII. *Female Department.*—Students in this Department can pursue any of the studies embraced in either of the preceding Departments, and, in addition to these, may attend to Music on the Piano Forte, to Drawing and Painting.¹

¹*Ibid.*

REPORT ON THE PUBLIC EXAMINATION
AT
RUTERSVILLE COLLEGE

The annual examination of this Institution was held on the elventh and twelfth instants, in College Hall, and was witnessed by a large assembly of spectators, including several gentlemen of intelligence and distinction.

The examination embraced a wide range of studies, which had been pursued by the students of both departments, and was most evidently conducted in a thorough and impartial manner. The promptitude, facility and accuracy with which the students answered the multifarious questions propounded to them, not only exhibited demonstration of the excellent qualifications of the Faculty, and the fidelity with which they had discharged their duties, as instructors, but also, of the high capability of the youth of Texas for receiving a thorough and practical education.

The original compositions of the students of both departments, were characterized by conciseness and appropriateness of expression, evincing some considerable experience in the valuable art of composition. The declamation of the young gentlemen and ladies, was highly felicitous, and met the universal commendation of the audience.

The young ladies' copy-books and herbariums, well merited the eulogiums bestowed upon them by those who examined them.—They were characterized by neatness and elegance of execution, giving evidence of respectable proficiency in penmanship and botany.

A session bill of each student was read publicly, which contained exhibit of scholarship and deportment. The utility of this practice of the College, was apparent to the whole assembly. The anticipation, by each student, of this public statement of scholarship, and deportment, at the close of the term, becomes a strong incentive to diligence in study, and propriety of conduct.

The interest of the occasion was greatly enhanced by an address from President Richardson, delivered in his usual felicitous manner, which was listened to with profound attention and thrilling interest. The address evinced a thorough acquaint-

ance with the science of education, and the profession of teaching; as also, of the wants of Texas—His long connection with literary institutions, and experience in teaching, eminently qualified him for the task. It was delivered at the special request of the Board of Trustees of the College, by whom a copy was, subsequently, requested for publication. Several thousand copies of it, circulated through the community, would certainly arouse the public mind, and awaken new interest on the great subject of education. Its appearance in print, will be highly gratifying to the friends of Rutgersville College, and to those interested in the cause of education generally.

The undersigned were present at the semi-annual meeting of the board of Trustees, and were highly pleased with the faithful and impartial manner in which all matters coming before them were disposed of. A very commendable zeal was evinced, to keep strictly within the provisions of the College charter, and to promote, in every equitable way, the interests of the institution.

The finances of the College, we found to be in a sound condition, though it is now greatly in need of available funds, to meet some liabilities, to procure philosophical, chemical and astronomical apparatus; also, to extend the accommodations for the female department. The means to accomplish these objects ought to be raised immediately.

We may safely say, that the College is in a prosperous condition, and promises, much usefulness to the community generally, and most justly merits a liberal patronage. Many circumstances concur in rendering the College peculiarly worthy of the confidence and support of parents and guardians.

The healthfulness of the village in which it is located, is perhaps unsurpassed by that of any other part of the Republic. The peculiar healthful appearance of the students, and people generally, furnishes evidence of this fact.

The society in the village is good, and distinguished for its hospitality; and this fact was fully evident to the crowd of visitors, as we were most cordially entertained.

The College buildings are commodious and well arranged for the convenience and comfort of the students.

The next or twelfth term of the College, will commence on the

21st day of July, 1845. The Faculty of the College comprises the following gentlemen and ladies: Rev. Chauncy Richardson, A. M., President: Rev. Homer S. Thrall, Principal of the Preparatory Department: Mr. Charles Wright, A. B., Assistant Principal.

Mrs. M. C. Richardson, Principal of the Female Department; Mrs. Virginia Mayo, Teacher of Music.

Jno. S. Williams,

Daniel Carle,

Committee of Examination.¹

EDUCATIONAL CONDITIONS AND THE TRAINING OF TEACHERS

.....

Several colleges have been incorporated by the Texas congress, but most of them exist only on the statute books. Only three, so far as my information extends, have either suitable buildings or a regular organization namely, Rutgersville College, San Augustine University and the Wesleyan College at San Augustine. These institutions commend themselves to the friends of learning and the public generally. They have planted the germ of knowledge and virtue in many minds, which, if nourished, will grow and flourish in vernal beauty and vigor. Their advantages are accessible to all classes of the community, and should be enjoyed by all.

A period has arrived in our history when the importance of a good education should be viewed in its proper light. Our wisest and ablest men should direct their attention and the public mind to this great subject. It is worthy the efforts of the noblest patriots, the wisest philanthropists, and the purest Christians. The grand obligation and business of this generation is to educate the succeeding generation for a higher level of action. We must go on in this work till the cloud of mental and moral darkness, which now hangs over us, is rolled away, and the light of science and religion shall shine in meridian splendor. Then shall our "sons be as plants grown up in their youth, and our daughters as corner-stones polished after the similitude of a palace.

.....

But how shall correct education be secured to all the youth of Texas? Most assuredly by the establishment of a good system

¹*National Register*, Washington, Texas, June 26, 1845.

of education, in connection with institutions of a high order. To effect this object, well-taught, able, and Christian teachers are wanted. They are essential to good schools. They should be formed after the right model; their principles and characters developed in due proportions, themselves examples of human excellence. Teachers must be prepared in our own institutions, as they will never come from abroad in sufficient numbers to supply our wants. They must be raised up and qualified on the spot, to go forth to the work of elevating this empire of mind and heart. A teachers' department should be established immediately in the colleges now in operation in Texas, where they shall be prepared for their task, not only by a course of instruction designed for their personal improvement, but by teaching them how to instruct and to educate. A permanent class of instructors must be formed. The office of instruction ought to be coveted by persons of the best talents, and sufficiently rewarded to secure such in the profession. It is of the highest importance that those who cultivate the germ of thought, and form the habits of thinking and feeling of the rising generation, should be well qualified for their delicate and responsible work. They must be apt to teach; to be able to lay an idea in a child's mind just as it lies in their own minds. Teachers must know how to govern. They must possess firmness, kindness, and gentleness. A teacher must be, in the truest sense of the term, a gentleman. True politeness is gentleness and good will to mankind reduced to practice. He must be emphatically a good man, as he is a leader to go before and lead out or call forth the child to the perfection of his nature. He is the young child's spiritual architect. The office of teachers is a high and responsible one, because they are the builders up of a new generation. Albert Gallatin, while engaged in teaching, was more truly deserving of honor than when managing the fiscal concerns of the United States; and Louis Philippe, while teaching a little handful of pupils in Pittsburg, was by far a greater benefactor to mankind than while sitting on the throne of France, surrounded by thirty millions of loyal subjects.¹

¹Richardson, Rev. Chauncey, M.A., President of Rutgersville College, *An Address on Education: Delivered Before the Educational Convention of Texas, in the City of Houston, January, 1846.*

DESCRIPTION OF SCHOOL HOUSE

.....

School teachers those times were not to be envied. There was no public school fund to draw upon and no private fund, either, to speak of, except such as farmers happened to have. Our first school was taught by Captain Beach, in a log cabin having neither floor or window, or even a door. A couple of the lower logs being left uncut in the doorway, over which the little tots had to be lifted, prevented the ingress of the pigs. When Beach's term expired, he was paid off in corn, for which there was no sale nearer than Austin¹; so he borrowed a team and hauled it to market.

There were no school houses or churches. The schools were kept in any vacant cabin, and when a preacher happened along, he was invited to hold forth in some dwelling.²

.....

AN EARLY PLEA FOR THE EDUCATION OF GIRLS

For the Standard.

Mr. Editor.—As it is universally acknowledged that education is the door, or passway, through which man must pass, to arrive at anything like honor or distinction, in a free and Republican Government like ours, let us inquire if it is not an imperative duty to devote time, attention and means for the education of the fair daughters of this fair land. Shall man assume to himself all the honors—all the glory—all the pleasure, which are the handmaids of literature, of the expanded and accomplished mind. No, every principle of common sense, and common justice forbids. The very principles upon which the free institutions of our country are framed, forbid it. And I call upon mothers to claim their rights, and urge the education of their daughters. I call upon fathers to forbid it, and to give a polish to the brightest *gem* in the cabinet of *valuables*, their daughters. And, lastly, I call upon the young ladies themselves to rouse

¹From Webber's Crossing.

²Smithwick, Noah, *The Evolution of a State, or the Recollections of Old Texas Days*, 231.

them from their lethergy, and importune their parents, incessantly, until they are placed at some institution, through which they can learn wisdom, and become truly, the pride and boast of their parents and friends; useful members of society, and ornaments of the circle in which they move; commanding the respect, and the admiration of all, and giving tone and dignity to the female world.

It may be asked how is this to be effected. I can answer this inquiry easily, and simply, by pointing to the Pine Creek Female Institute, which is located in Red River county. There is an institution, a nursery of learning, which, if fostered—if properly supported, will shed a benign influence over this portion of our young and growing Republic. The pupils of that institution will ere long, burst upon the community with a blaze of female splendor, accomplishment and loveliness, which ennoble themselves—do honor to their accomplished instructress, and show to the world, that the Red river district cannot only boast of the fertility of her soil, and the salubrity of her climate, but of the fertil genius, as well as native loveliness of her daughters. Then let our self pride and love of country rouse us. Let us patronize the accomplished and talented proprietress of the Pine Creek Female Institute, and we shall have done our duty.

I should like to wisper it to some of the young ladies of Red river, that many young gentlemen of the district, are anxiously awaiting the termination of the next session of Mrs. Weatherheads school. They want accomplished wives; yes, even, *literary* wives “stick a pin there,”—more of this anon.

FIDELLA.

Rural Grove, Aug. 12th, 1842.¹

EDITORIAL COMMENT ON LAND GRANTS

.....

We have noticed frequently, applications to Congress for donations of land for charitable or literary purposes, received by a certain class of members very suspiciously, and the grants, if made, made with a grudging, unwilling disposition, which be-

¹The Northern Standard, Clarksville, August 27, 1842.

tokens decided illiteracy, and in our opinion a shortsighted comprehension of public policy. We think liberality of this kind, besides being creditable, decidedly beneficial, as a mere matter of profit; and of all others, for a country like this, to hesitate on a grant of a little land for the establishment of some institutions which may one day increase the fame of that country by its own high character, or by that of its pupils, or raise up servitors of her interests, or defenders of her honor—the poorest policy imaginable. What is a little land to a country like this, whose acres are almost countless, and still nearer valueless, till the labor of the husbandman shall rip up the sod, or clear off the timber, and expose their rankness to the general influences of light and heat—nothing, verily nothing. We hope the day will soon come when a more enlightened policy will be universal, as we believe it is now dominant. We think it beyond question that any of the rich wilderness now unlocated, would be far more profitable to the country if it were donated to individuals, more particularly if it should be at once cultivated.

Therefore we think that gratuities of land in small bodies, to meritorious societies, or to individuals having claim upon the public consideration, is a policy tending to the development of the internal and indigenous wealth of the country, and creditable to its wisdom and foresight.¹

.....

VALEDICTORY REMARKS MADE AT WASHINGTON TO THE
CONGRESS OF THE REPUBLIC OF TEXAS

GOVERNOR SAM HOUSTON.

On the Occasion of Retiring from the Presidency of the
Republic, December 9, 1844.

.....

My countrymen! Give to the rising generation instruction. Establish schools everywhere among you. You will thus diffuse intelligence throughout the mass—that greatest safeguard to our

¹*Daily Bulletin*, Austin City, January 13, 1842.

of free institutions. Among us, education confers rank and influence—ignorance is the parent of degradation. Intelligence elevates man to the highest destiny, but ignorance degrades him to slavery.¹

.....

¹Crane, William Carey, *Life and Select Literary Remains of Sam Houston*, 333; *Texas National Register*, Vol. 1, No. 2, December 14, 1844.

HIGHER INSTITUTIONS

Name.	Male or Female.	Location.	Auspices.	Chartered.	Established.
FIRST CONGRESS.					
Independence Academy	Female	Independence	Ind. Board	June 5, 1837	-----
University of San Augustine	Male and Female	San Augustine	Ind. Board	June 5, 1837	-----
Washington College	-----	Washington	Stock Company	June 5, 1837	-----
Manhattan College	-----	Manhattan	-----	-----	1838
Matagorda Seminary	-----	Matagorda	-----	-----	1838
THIRD CONGRESS.					
DeKalb College	-----	Red River County	Ind. Board	Jan. 26, 1839	-----
FOURTH CONGRESS.					
Union Academy	-----	Washington County	Stock Company	Feb. 4, 1840	-----
Rutgersville College	Male and Female	Rutgersville	Methodist	Feb. 5, 1840	1840
FIFTH CONGRESS.					
Galveston University	Male and Female	Galveston	Ind. Board	Jan. 30, 1841	-----
McKenzie Institute*	Male and Female	Clarksville	Private	Feb. 10, 1851	1841
Guadalupe College	Male and Female	Gonzales	Ind. Board	Jan. 30, 1841	-----
Trinity College	Female	Alabama, Houston Co.	Ind. Board	Jan. 30, 1841	-----
SIXTH CONGRESS.					
Marshall University	Male	Marshall	Ind. Board	Jan. 18, 1842	-----
EIGHTH CONGRESS.					
Wesleyan Male and Female College	Male and Female	San Augustine	Methodist	Jan. 16, 1844	-----
Hermann University	-----	-----	Ind. Board	Jan. 27, 1844	-----
Baylor University	Male	Independence	Baptist	Feb. 1, 1845	Never
Rusk County Academy	Male and Female	Henderson	Ind. Board	Feb. 1, 1845	-----
Matagorda University	Male and Female	Matagorda	Ind. Board	Feb. 3, 1845	-----
Nacogdoches University	Male and Female	Nacogdoches	Ind. Board	Feb. 8, 1845	-----

*Formerly McKenzie Male and Female College. Later changes in its charter have not been considered.

INSTITUTIONS GRANTED STATE LANDS WITH CHARTERS.

Institution.	Location.	Date of Grant.	Number of Leagues.
DeKalb College	Red River Co.	Jan. 26, 1839	Four Leagues.
San Augustine University	San Augustine	Jan. 26, 1839	Four Leagues.
Rutersville College	Rutersville	Feb. 5, 1840	Four Leagues.
Hermann University	(Not Settled)	Jan. 27, 1844	One League. 1
Guadalupe College	Gonzales	Jan. 30, 1841	Four Leagues. 2
Marshall University	Marshall	Jan. 18, 1842	Four Leagues.
Nacogdoches University	Nacogdoches	Feb. 3, 1845	Four Leagues. 3

1 Later raised to four leagues.

2 Granted later to Gonzales College, Feb. 17, 1852.

3 Granted the land set apart for schools at Nacogdoches by decree 240, Laws of Coahuila and Texas.

CHAPTER IV

FROM ANNEXATION TO THE WAR

During this period the population of the State grew with incredible rapidity, and numerous new towns sprang up. Meanwhile a succession of abundant crops materially multiplied the wealth of the people, and in consequence of these developments the foundations of a settled civilization superceded the pioneer stage of society. During the early fifties the problems of internal improvement replaced those primitive struggles which had formerly absorbed the energies of the entire population. First of all the need for transportation brought the problem of building railroads, and at the same time arose the question of establishing a system of public schools. Strange as it may appear, these two movements came to have a vital relation to one another in the subsequent development of the State.

The initial effort to establish a State system of schools was launched in 1854 with considerable wisdom and enthusiasm; but a reaction followed rather speedily, and comparatively little was accomplished. Naturally the interest in education was felt most acutely in the growing towns. As these enlarged in population the citizens turned their attention to the establishment of schools, and in consequence they sought legal means for their support and control. The right to tax the property of the citizens for the maintenance of schools was now enacted into law in several places. Meanwhile numerous private agencies continued to foster education, and various means were utilized for promoting schools, scores of which were started. Of all these institutions founded prior to the war only two now remain, and neither of these is today located where it was originally established. These two are Baylor University founded in 1845 at Independence, and Austin College begun in 1849 at Huntsville.

JOURNAL OF THE CONSTITUTIONAL CONVENTION

1845

.....

COMMITTEE ROOM, July 16, 1845.

*To the Hon. Thos. J. Rusk,
President of the Convention:*

The committee to whom was referred that part of the Constitution which relates to the subject of education, have had the same under consideration, and ask leave to submit the following report.

[Signed]

EDWARD CLARK,
Chairman.

Article 1st. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature in all future periods of this State, to make suitable provisions for the support and maintenance of public schools.

Article 2nd. The Legislature shall, as early as practicable, establish free public schools throughout the State, and shall furnish means for their support by taxation on property; and from and after the year eighteen hundred and fifty, it shall be the duty of the Legislature to set apart one-tenth of the annual revenue of the State, as a perpetual fund, the interest of which, at six per cent per annum, shall be appropriated to the support of free public schools; and no law shall ever be made, directing said fund to any other use.

Article 3rd. All public lands which have been heretofore, or which may hereafter be granted for public schools to the various counties, or other political divisions of this State, shall not be alienated in fee, nor disposed of otherwise than by lease, for a term not exceeding twenty years, in such manner as the Legislature may direct.

Which report was laid on the table one day for consideration.¹

.....

Wednesday Morning,
Aug. 20, 1845.

.....

On motion of Mr. Anderson, the 21st section of the General Provisions was laid on the table, and the report of the committee on Education was taken up; and the first section adopted.

In 2d section, Mr. Gage moved to strike out the word "shall" in the first line, and insert the word "may".

Upon which the ayes and noes were called, and stood as follows:

Ayes—Messrs. Brown, Bagby, Gage, Hemphill, Hicks, Hogg, Lumpkin, McNeill, Rains, Runnels and Young—11.

Noes—Messrs. Anderson, Armstrong of J., Baylor, Bache, Brashear, Burroughs, Caldwell, Clark, Cazneau, Cunningham,

¹*Journals of the Convention, Assembled at the City of Austin, on the Fourth of July, 1845, 66.*

Cuney, Darnell, Evans, Everts, Forbs, Henderson, Holland, Irion, Latimer of L., Latimer of R. R., Lewis, Lusk, Lipscomb, Mayfield, McGown, Miller, Moore, Navarro, Power, Parker, Runnels, Standefer, Tarrant, Ochiltree, Van Zandt, White, and Wright—41.

So the amendment was rejected.¹

.....

Friday Morning,
Aug. 22, 1845.

.....

The Convention met pursuant to adjournment.

On motion of Mr. Cazneau, the report of the committee on Education was taken up.

Mr. Lusk moved to strike out all after the word "state", in 2d line, 2d section.

Mr. *Clark* said: As I consider it perhaps my duty, I will say a few words in vindication of my course upon this subject. The part which the gentleman from Brazos proposes to strike out does not meet with my hearty approbation. It did not in the committee; though I did not there object to it, knowing that I should have the opportunity here of expressing my dissent and acting accordingly. I think the motion of the gentleman a very proper one. I think unless we adopt it we shall be taxing the people too severely in the commencement. We must recollect that the amount to be derived from the people through taxation is very considerable; and I think that perhaps as far as we should go on this occasion. I intend to vote for the motion of the gentleman from Brazos to strike out, and as chairman of the committee I have thought it my duty to apprise the Convention of the reasons why I should do so. The report requires no explanation, it is plain and simple.

The ayes and noes were called upon the motion of Mr. Lusk, and stood as follows:

¹*Ibid.*, 277.

Ayes—Messrs. Armstrong of J., Armstrong of R. Bagby, Brown, Burroughs, Clark, Darnell, Gage, Hemphill, Hicks, Hogg, Irion, Latimer of L., Latimer of R. R., Lumpkin, Lusk, McNeil, Navvarro, Parker, Rains, Runnels, Scott, Smyth, Van Zant, White, Wright and Young—27.

Noes—Messrs. President, Anderson, Baylor, Bache, Caldwell, Cazneau, Cunningham, Evans, Everts, Forbes, Henderson, Horton, Howard, Hunter, Jewett, Lewis, Love, Lipscomb, Mayfield, McGowan, Power, Standfer, and Tarrant—23.

So the motion was carried.

Mr. Mayfield offered the following as a substitute for the second section :

The legislature shall, as early as practicable, establish free schools throughout the state, and shall furnish means for their support by taxation on property, and it shall be the duty of the legislature to set apart not less than one-tenth of the annual revenue of the state derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools throughout the State, and no law shall ever be made diverting said fund to any other use; and until such time as the legislature shall provide for the establishment of such schools in the several districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

Mr. Lewis offered the following as an amendment to the substitute :

Provided that the aforesaid fund shall be appropriated to the education of the children of those who are themselves unable to bestow upon their children the rudiments of an English education.

Rejected.

Mr. Forbes moved to amend by inserting "from and after the year 1850"

Lost.

The ayes and noes being called on the adoption of Mr. Mayfield's substitute, were as follows :

Ayes—Messrs. President, Anderson, Armstrong of R., Baylor, Bache, Brashear, Caldwell, Cazneau, Cuney, Evans, Everts,

Forbes, Gage, Hemphill, Henderson, Horton, Holland, Hunter, Irion, Jewett, Lewis, Love, Lipscomb, Mayfield, McGowan, McNeil, Navarro, Standefer, Tarrant and White—30.

Noes—Messrs. Bagby, Burroughs, Clark, Darnell, Hicks, Hogg, Howard, Latimer of L., Latimer of R. R., Lumpkin, Parker, Rains, Runnels, Scott, Smyth, Wright, and Young—17.

Mr. Gage offered the following as an additional section:

It shall be the duty of the Legislature to pass a law by which counties now in this State, which have not heretofore received grants of land shall be entitled to a donation of land for school purposes, equal to that heretofore granted to any county by the Congress of the Republic of Texas.

In presenting this additional section,

Mr. *Gage* said; Four leagues of land have been granted to most of the counties in the Republic for school purposes. The law now in existence upon this subject is a general one, extending such a donation to all the counties created at the date of its passage. Some new counties, however, have been since formed, among which is the county of Rusk, to which the present law does not apply. It is the object of this section to place them on a footing with the older counties. An equal quantity of land is all that I ask for them, and I trust it will not be denied.

Mr. Everts moved to amend by confining the locations of the lands in the county for whose benefit the land is appropriated.

Lost.

On motion of Mr. Young, the word "now" in the first line of Mr. Gage's additional section, was stricken out.

The ayes and noes being called on the adoption of the additional section, stood thus:

Ayes—Messrs. President, Baylor, Bache, Bagby, Cazneau, Clark, Cunningham, Darnell, Evans, Everts, Gage, Hemphill, Henderson, Hogg, Horton, Howard, Hunter, Irion, Jewett, Jones, Latimer of R. R., Lewis, Love, Lumpkin, Lusk, Mayfield, McGowan, Navarro, Power, Runnels, Smyth, Standefer, White and Young—34.

Noes—Messrs. Anderson, Burroughs, Caldwell, Latimer of L., Lipscomb, McNeil and Scott—7.

So the section was adopted.

Mr. Darnell offered the following as an additional section:

Fifty leagues of land of the public domain of Texas, in addition to the amount already set apart by law, is hereby reserved for the use of common schools, to be used as the legislature may direct, but no disposition shall be made of the same under fifty years from the adoption of this Constitution. The legislature may authorize the lands to be located at as early a day as possible, and to make them as valuable as circumstances will admit, by lease or otherwise.

On motion of Mr. Hemphill, the following words were inserted:

“Provided the debts and liabilities of the government be first discharged.”¹

The section as amended, was then rejected.²

.....

Saturday Morning, August 23, 1845.

.....

On motion of Mr. Lewis, the report of the committee on Education was taken up.

Mr. Mayfield offered the following amendment, as an addition to the 3d section.

“And all lands which may hereafter be declared vacant, either by the courts of this State, the Federal or Supreme Courts of the United States, lying within the limits of any colonization contract, as specified in the same, after applying the proceeds thereof to the payment of the debts and liabilities, for money or land, of the Republic of Texas, as the Legislature may direct, the one-half of the residue thereof shall be applied to the support and maintenance of free common schools—reserving, at all times, to the contractor, his just quantum of premium lands; and to the actual settler, the full quantity to which he may be justly entitled.”

Mr. Evans moved to strike out that portion applying the proceeds to the payment of the debt and liabilities of the Republic of Texas.

Which motion was lost.

¹*Debates of the Texas Convention, 1845, 700-702.*

²*Journals of the Convention, Assembled at the City of Austin on the Fourth of July, 1845, 292.*

Mr. Young moved to strike out that portion reserving to the contractors, their premium lands.

Lost.

The ayes and noes were then called, on the adoption of Mr. Mayfield's amendment, and stood thus:

Ayes—Messrs. Armstrong of R., Baylor, Caldwell, Cazneau, Clark, Evans, Everts, Horton, Hunter, Jewett, Lewis, Mayfield, McGowan, Tarrant, and White—15.

Noes—Messrs. President Rusk, Bache, Bagby, Brashear, Burroughs, Cunningham, Cuney, Gage, Hicks, Hogg, Irion, Latimer of L., Latimer of R. R., Love, Lumpkin, Lipscomb, McNeill, Navarro, Parker, Power, Rains, Scott, Smyth, Standefer, Ochil-tree, Wright and Young—27.

So the amendment was rejected.

Mr. Young moved the previous question.

Which motion prevailed.

The main question being the adoption of the 3d section of the report of the committee on Education, was carried, and the section adopted.

On motion, the report was ordered to be engrossed.¹

.....

THE CONSTITUTION OF 1845.

.....

ARTICLE TENTH EDUCATION

SEC. 1.—A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this state to make suitable provision for the support and maintenance of public schools.

SEC. 2.—The Legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support by taxation of property; and it shall be the duty of the Legislature to set apart not less than one tenth of the annual revenue of the State, derivable from taxation, as a perpetual fund; which fund shall be appropriated to the

¹*Ibid.*, 299-300.

support of the free public schools, and no law shall ever be made, diverting said funds to any other use, and until such time as the Legislature shall provide for the establishment of such schools in the several districts of the State, the fund thus created shall remain as a charge against the State passed to the credit of the free common school fund.

SEC. 3.—All public lands which have been heretofore, or may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease for a time not exceeding twenty years, in such manner as the Legislature may direct.

SEC. 4.—The several counties in this State, which have not received their quantum of lands for the purpose of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas to other counties.¹

MESSAGE OF PRESIDENT ANSON JONES

February 19, 1846

.....

The expenses of the government since I have been in office, have all been paid in an undepreciated currency—a very considerable amount of debt incurred by previous administrations has been paid off, and a surplus of available means sufficient to defray the expenses of the government, economically administered, for the next two years, at least, is left at the disposition of the State; and I venture the belief that, without resort to taxation, the public domain, if properly husbanded and disposed of, will raise a fund sufficient to liquidate the entire national debt upon equitable principles, besides providing for the future support of the State government, a system of common schools, and other institutions for the intellectual, moral and religious improvement of the rising generation. With such a population as Texas possesses, characterized as it is with great intelligence and enterprize, and with such elements of pros-

¹Gammel's *Laws of Texas*, Vol. II, (1297); *Journals of the Convention Assembled at the City of Austin on the Fourth of July, 1845*. 361-362.

perity as she now possesses, a genial climate and a fertile soil, it will be her own fault if she does not reach an importance and a social elevation, not surpassed by any community on earth.¹

.....

MESSAGE OF GOV. J. PINCKNEY HENDERSON

J. Pinckney Henderson was the first governor of the State of Texas, holding office from 1845 to 1847.

EXECUTIVE DEPARTMENT,
Austin, Feb. 24, 1846.

*Gentlemen of the Senate and House of
Representatives:*

.....

The prosperity, happiness and permanence of every government, like ours, where all authority is derived from and exists at the will of the people, greatly depends upon the intelligence and moral and religious character of its citizens. That prosperity, happiness and permanence can be best secured to ourselves and posterity by making liberal provisions for the education of the rising and future generations. By the Constitution it is made the duty of the Legislature to make suitable provision for the support of public schools and to set apart not less than one tenth of the annual revenue of the State as a perpetual fund for that purpose, and as soon as practicable to furnish other means for the support of free schools throughout the State by taxation. The slow progress made by most of our sister States in collecting a sufficient fund* for educational purposes and maturing plans for public schools, should warn us of the necessity of commencing that important work with our earliest existence as a State. The people of no State have ever yet had occasion to regret the munificence of their Legislature upon this subject, when proper care has been taken to establish a good system of public instruction, and to insure a prudent management of the means appropriated. By reference to the plans adopted by other States, we will, aided by their experience, doubtless be able to organize free schools upon a plan entirely

¹*Journals of the Senate of the First Legislature, 14-15; Journal of the House, 17.*

satisfactory to the community, and which will be productive of great good.

.....
J. Pinckney Henderson.¹

MESSAGE OF GOVERNOR GEORGE T. WOOD

George T. Wood was Governor from 1847 to 1849.

Executive Department,
Austin, Dec. 29, 1847.

*Gentlemen of the Senate,
and of the House of Representatives:*

.....
By the 10th article of the Constitution, it is made the duty of the Legislature to make suitable provision for the support and maintainance of public schools. Your body is further required, as early as practicable to establish free schools throughout the State. One tenth of the annual revenue derived from taxation is set apart as a perpetual public free school fund. In addition to this general fund, the land granted to the various counties for school purposes are made a perpetual fund, and those counties, which have not as yet received their quantum of school lands, shall be entitled thereto.

The Congress of the late Republic of Texas by an act approved 26th January, 1839, directed to be surveyed and set apart for each county, for the purpose of establishing a primary school or academy in each county, three leagues of land.

By the same act fifty leagues of land were directed to be surveyed and set apart for the endowment of two colleges or universities.

By another act approved 5th February, 1840, the Chief Justice and two associate Justices of each county were appointed a board of School Commissioners, with power to have located and surveyed the three leagues above referred to, and the additional power of surveying and selling an additional league of

¹Message of Gov. J. Pinckney Henderson, February 24, 1846, 6-7; Appendix to the Journals of the Senate, of the First Legislature of the State of Texas, 9-10.

land; the one-half of the proceeds of such sale to be applied to the endowment of the county academy, and the remainder to be distributed to the county school districts.

This is the whole of our imperfect legislation on the great and vital subject of Education.

It is almost impossible to tell what the old counties have done upon the subject of surveying and selling school lands. To obtain the necessary information in relation to the matter, we need some legal provision requiring the county clerks, assessors or chief justices to report what has been done in their respective counties. It is believed however, that few of the counties have had the land surveyed.

The system of leasing or renting school lands has never worked well in any of the states. Experience has universally proved the expediency of selling such lands and bringing the monies into a general school fund.

To begin, however, in this great work, it will be necessary that we should know, what lands have been set apart by the counties where they are situated; and that we proceed under constitutional requirements to have set apart the deficient lands. I therefore recommend that you make provision on this subject at as early a day as practicable.

It will also be for your body to say what disposition shall be made of the tenth of the revenue now in the Treasury, and annually coming in as a permanent school fund.

.....

George T. Wood.¹

MESSAGE OF GOVERNOR GEORGE T. WOOD

EXECUTIVE OFFICE,

Austin, Nov. 6, 1849.

*Gentlemen of the Senate and
House of Representatives:*

.....

The Constitution of our State enjoins upon the Legislature the duty of making suitable provision, as early as practicable, for

¹Message to the Legislature, Dec. 29, 1847, 5-6; Journal of the Senate, 80-81; Journal of the House, 170-171.

the support and maintenance of free public schools. It also expressly sets apart and reserves for this purpose, one-tenth of the annual revenue accruing from taxation. The amount of this fund in the Treasury on the first day of this month, was \$25,503 82. It will require no labored discussion to impress upon your minds the importance of education. The framers of our State Constitution wisely declared that a general diffusion of knowledge is essential to the preservation of the rights and liberties of the people. No truth is more fully verified by all history. Nations, however powerful in numbers and physical resources, can never hope to achieve or perpetuate moral and political freedom where ignorance prevails. The vitality of republican forms of government especially, resides in the intelligence of the masses. An enlightened people will be neither the dupes nor the victims of corrupt political leaders. How immeasurably important, then, it is for us to give early attention to the mental and moral improvement of the generation growing up among us.—Let some just and feasible plan be adopted, to apply the means now in the Treasury of the State to this object, so as to produce the greatest good to the greatest number. There is, it is true, not sufficient to establish and maintain a school in every neighborhood. It may, however, be so distributed, under careful and competent supervision, as to aid the efforts of individuals, and go far in this way to encourage the cause of education. If it be permitted to lie in the Treasury until it be sufficient to support public schools throughout the State, it will be useless for many years. In the meantime, those who are now children will have grown up to be men and citizens, and many of them, perhaps, without being able to read the tickets which they place in the ballot-box. The consequences of such a result will not only be discreditable to those who at this day are the guardians of the public weal, but equally unfortunate in their effects upon general society. Vice, and crime, and a slavish subserviency to dictation, are the usual concomitants of ignorance. Let us arrest this state of things by timely action. Justice demands that the taxes paid by the present population of the State, for education, should be devoted to that object without unnecessary delay. To hoard them for the benefit of the next generation would be as manifestly unfair as it

would, in my opinion, be unwise. The means at our disposal will do something for the cause of education, if judiciously applied. Let this be done at once, and there will be some security that the advantages thus conferred upon the present generation will yield abundant blessings upon the next.

I would recommend that the proper steps be taken to ascertain the present situation, in respect to location and survey, of the various grants of land heretofore made for purposes of education. It appears, from an examination of the acts of the Congress of the late Republic, that the number of acres thus appropriated out of the public domain, is 1,731,348; of which, 1,399,248 are general, and 332,100 acres special grants. I adhere to the opinion expressed in my first message, that it would be judicious to dispose of these lands and bring the proceeds into a general school fund. The experience of other States justifies the belief that the system of leasing or renting them is not to be preferred. In Texas many years must elapse, and one or two generations pass away, before they would produce anything to aid the cause of education. I would therefore suggest, that the Constitution be so altered as to bring these lands into market under proper regulations; and that the money derived from their sale be invested in safe and productive stock. The annual income from this source would probably be greater than the annual increase in the value of the lands; and some of the advantages of this rich inheritance secured to them by the labors and valor of their fathers, be enjoyed by their children.

.....
George T. Wood.¹

MESSAGE OF THE GOVERNOR TO THE FOURTH LEGISLATURE

GOVERNOR P. H. BELL

P. H. Bell was governor from 1849 to 1853. His recommendation along with that of Governor Pease led to the enactment of the law of 1854 which finally gave Texas the beginnings of a system of schools.

¹*Message With Accompanying Documents*, Nov. 6, 1849, 12-13; *Journal of the Senate*, 20-21; *Journal of the House*, 21-22.

EXECUTIVE DEPARTMENT,
STATE OF TEXAS,
AUSTIN, NOVEMBER 10, 1851.

To the Honorable Senate
and House of Representatives:

.....
Amongst the many questions of importance which will be presented for your deliberation, there will be none, probably, so great in magnitude, and which have excited so large a share of interest in the public mind, as those which have grown out of the passage, by the general Congress, of what is termed the Texas Boundary Bill, and the acceptance of the provisions of that act by the people and Legislature of this State.

.....
From the report of the Comptroller, it is evident that the whole ten millions of dollars¹ will not be required to discharge the outstanding liabilities of the State according to the scale which has been adopted for ascertaining the actual amount of those liabilities, and from which I can see no just reason to depart; and it will therefore become a subject of interesting inquiry to you, as to the best mode of investing or disposing of the surplus. Upon this subject, there seems to exist much diversity of sentiment in the public mind. Some entertain the opinion that the whole amount of the surplus should be devoted to the internal improvement of the State; others believe that a large portion should be applied to the purposes of education, in the establishment of free schools, and other institutions of learning; while another class believe that it should be invested in some secure and profitable stock, the interest arising from which would be sufficient to meet the ordinary expenses of the State Government, and thereby entirely release the people from taxation.²

.....
The last few years have spread abroad more accurate knowledge of the number and character of our population, and the true value of our immense territory is now better known and more appreciated—a consequent tide of immigration, uniform

¹The amount obtained from the Boundary Settlement.
²Journal of the Senate of the Fourth Legislature, 24, 30-31.

and steady in its movements, is continually flowing in upon us, and in a short period, we shall have the satisfaction of seeing immense numbers of these hardy, enterprising immigrants developing the resources of the State in its rich productions; labor, everywhere will be seeking employment, and capital, a profitable investment. Our State government, in the meantime, relieved of its pecuniary embarrassments, and calculating with certainty its financial ability, will be enabled with greater safety, to indicate her future policy in the adoption and promotion of some general system of internal improvements. Though new in her position amongst the great family, Texas is fully alert to the nature and value of the testimony, to be derived from the older members, in respect to the practical results, increased wealth and enterprise, which are conferred upon a people who pursue a system of internal improvements, with wise patriotic and energetic action. Already the enterprising efforts directed by private capital, in clearing out some of our principal rivers; in connecting the Brazos river with the Gulf by canal, the projection of the San Antonio and Gulf Rail Road, and other improvements of less magnitude, have received the favorable consideration of the country and elicited much anxiety for their completion. How far it will be judicious at this time to embark in works of internal improvement, until a certain and ample fund shall have been provided for their speedy completion, is submitted to the wisdom of the Legislature.

Amongst the many subjects of paramount importance and interest, demanding your present deliberation and action, but few can justly claim precedence over that of education. Its importance in the establishment and maintenance of the free and happy institutions under which we have so long lived, was warmly inculcated by the patriots who established them. We who have been the favored recipients of a rich inheritance, the result of sacrifices and labors of the wise and good, should never fail to appreciate the blessings it confers, nor ever forget that its transmission, unimpaired to our successors, is a sacred duty. Living in the middle of the nineteenth century, with the lamp of experience before us, and boasting of an era marked by great philosophical research and scientific discovery, we cannot safely

incur the hazard of losing, or impairing this boon, in neglecting the means by which mainly, it is to be perpetuated.—Those means are to be found in the universal extension of the benefits of education. From it will result intelligence and virtue, the true basis of republican freedom. It is quite unnecessary for me to enumerate the advantages of a liberal and well conducted system of popular education—one that would be uniform and efficient in its practical bearings, dispensing full and equal benefits to all. The sentiment of the State is awakened, and is restless upon this interesting subject, demanding prompt and energetic action on the part of those entrusted with parental care, in all things that pertain to the promotion of this great cause.

The framers of our State government were so deeply impressed with the belief that a general system for the education of the youth of the country, based upon broad and liberal principles, was of vital consequence, that they engrafted in the organic law this important injunction, that “a general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.” The State has thus indicated her policy in this matter; she has been the dispenser of a munificent bounty, and when made available and properly applied, will fulfill the beneficent intentions of the framers of the constitution, and an additional safeguard thrown around that instrument by the intelligence and moral weight to be derived from the provisions contemplated by the section quoted above.

There is no one who feels a deeper interest, or who more ardently desires to promote the cause of education than myself, and I will most cordially cooperate with you in any plan which will practically advance that object in such a way as to diffuse its benefits generally through the country. But after bestowing the best reflection I have been able to give the subject, I am not prepared to recommend the immediate adoption by your Honorable Body, of the system which has been provided for by the constitution and subsequent legislative enactments under it.—In considering this great and paramount interest, it

is well to guard against a mere plausible theory, and in embracing any system, it were useless, unless that system, examined in all its bearings, shall be practical in its essential features, and simple in the application of its principles. In order to make any plan operate equally, schools must be established in every county and neighborhood in the State, and to do this with the machinery which would be necessary to bring them into successful operation, would involve an expense greatly disproportioned to any benefits which could result from them in the present sparse population of most of the counties; and I could not give my assent to any plan which would operate unequally, or which would confer benefits on one portion of the State, and which could not be felt or enjoyed in every other section.

The fourth section of an act of the late Republic, approved January 26th, 1839, contemplates that two Universities shall be created, and fifty leagues of land were then directed to be surveyed and set apart for their endowment. It may now be a question whether or not this is the appropriate time for the commencement of these establishments; and whether or not, if the means which the State can advance for the purpose of education, are applied to them, it would be the best application of those means. The subject is referred to the wisdom of the Honorable Legislature.

It has been suggested to me, and the suggestion has come from a source entitled to respect, that the best mode, at present, of promoting the cause of education by the State, will be found in subscribing for a certain number of scholarships in the several institutions already established, and which are about to be established by private individuals enterprise; the extent of these subscriptions to be regulated by the character and importance of those institutions respectively. It is alleged that by doing so, and paying the subscriptions in advance, the State will not only aid in perfecting those institutions, but will have an opportunity of educating at each one of them, (in proportion to the scholarships taken,) a number of the worthy youths of the country who are unable to educate themselves, and who, when thus educated, will be prepared to take charge of the common free schools which the State will, no doubt, at some future day, desire to establish throughout the country.

I have thought proper to submit this suggestion for the consideration of the Legislature, coming as it did, from a highly intelligent and respectable source.

.....
 You have assembled at an important period in the history of our State, with universal health pervading it; her citizens are enjoying the rewards of their labors in the abundance of its rich production, and every where we have indications of prosperity.

For these, and many other blessings our expressions of gratitude are signally due to the Supreme Ruler of the universe.

P. H. BELL.¹

MESSAGE OF THE GOVERNOR TO THE FIFTH LEGISLATURE

EXECUTIVE DEPARTMENT, STATE OF TEXAS,
 AUSTIN, NOVEMBER 9, 1853.

Gentlemen of the Senate and House of Representatives:

.....
 Since my occupancy of the Executive chair, I have had occasion, in more communications than one, to call the attention of the Legislature to that important article of the Constitution which relates to the great cause of Education; and, in doing so, by all pertinent suggestions and appeals to impress upon that body the necessity of an early fulfillment of its first section, by setting on foot and maturing some practicable and liberal system of popular education. Upon this subject I shall feel that my duty to the State has been fully discharged, when, in following up a reference I had the honor to make in a communication of the 10th of November, 1851, relative to the fifty leagues of land to be surveyed and set apart for the endowment of two Universities, I recommended, as I now do, a liberal appropriation of means for the establishment and maintenance of two Colleges, or Universities, to be located at such eligible points as may best subserve the interests and convenience of the two

¹*Ibid.*, 32-35, 49.

grand divisions of the State. Such appropriation to be employed in addition to that already set apart by the fourth section of an Act approved January 26th, 1839. This recommendation is made in the full confidence that the present is a highly favorable time for the commencement of these establishments, whether we consider the capability of the State to provide the necessary means for so wise a purpose, or the very best application of those means.

.....
P. H. Bell.¹

GERMAN MASS MEETING, 1854.

San Antonio, May 15

A. Politische Reform

.....
3.

- d. Aufhebung der Kadetten-Erziehungs-Anstalten;
- e. Einrichtung von Bildungs-Anstalten für gediente Soldaten zu Offizieren und Staatsbildung für Offiziere in Theorie und Praxis.

B. Sociale Reform

.....
7. Der Staat hat die Pflicht, für die Erziehung der Jugend zu republikanischen Staatsbürgern Sorge zu tragen, und alle hemmenden Einflüsse auf die Erziehung so viel als möglich zu beseitigen; darum fordern wir:

- a. Freie Schulen lediglich aus Staatsmitteln;
- b. Gänzlichen Ausschluss des Religionsunterrichts und der Religionsbücher aus den Schulen;
- c. Kein Lehrer darf Geistlicher sein;
- d. Kein Kind darf dem Unterricht der Freischule entzogen werden, wenn nicht der Nachweis geführt wird, dass ein ge-

¹*Journal of the Senate*, 1853, 24-25; *Message of the Governor to the Fifth Legislature of the State of Texas, Convened November 7, 1853*, 16-17.

nügender Unterrichtersatz auf andere Weise gesichert gewährt wird;

e. Einrichtung von Universitäten, wo jeder dem Unterrichte unentgeltlich beiwohnen kann;

f. Staatsprüfung für Lehrer, Aerzte und Apotheker.

C. Religiöse Reform

Die Religion ist rein Privatsache. Die Vereinigten Staaten sind politische Staaten und haben kein Recht sich in Religions-Angelegenheiten zu mischen, weder hemmend noch bevorzugend; desshalb fordern wir:

a. Abschaffung des religiösen Eides;

b. Aufhebung der Sonntagsgesetze und Bettage (Thanksgiving days);

c. Congress- und Repräsentantenversammlungen sollen nicht durch Gebete eröffnet werden.¹

GOVERNOR'S MESSAGE ELISHA MARSHALL PEASE

Pease was one of the foremost educational statesmen of Texas. He was born in 1812 and reared near Hartford, Conn. He came to Texas in 1835 and fought in the Revolution. After holding many minor offices he was made Governor in 1853, and was reelected in 1855. He was appointed Governor by General Sheridan in 1867, but resigned shortly after. He made his first race for the Governorship on the questions of establishing a school system, and the policy of State assistance in building railroads.

*Gentlemen of the Senate,
and of the House of Representatives:*

.....

Of these measures, one of the most important is, to make a suitable and permanent provision for the support of public schools. The highest and most sacred duty of a free govern-

¹Winkler, E. W., *Platforms of Political Parties in Texas*, Bulletin No. 53, 1916, The University of Texas, 58-61; *San Antonio Zeitung*, May 20 and 27, 1854.

ment, is, to provide the means for educating its citizens in a manner that will enable them to understand their duties and their obligations; this, too, is a measure that is enjoined upon the Legislature by the constitution.

The want of available means has heretofore furnished a ready excuse for the neglect of this duty. But this no longer exists. The State now has ample means at its command, and an opportunity is offered to establish a system of public schools that will extend its benefits to every child within its limits; if we fail to embrace it, we shall be faithless to our duties and the trust that has been reposed in us by our fellow-citizens.

It is respectfully recommended, that two millions of dollars of the United States five per cent. bonds, now in the treasury, shall be appropriated and set apart as a permanent fund for the support of public schools. That the income of this fund shall be annually apportioned to the several counties of the State, according to the number of free children in each between the ages of five and sixteen years, to be ascertained in such manner as may be considered most convenient, and that the amount due to each county shall be paid over to the county courts, to such teachers as the parents or guardians of the children may choose to employ for their education.

I do not pretend to recommend this as a perfect system; but its operation will be simple and cheap; it may be commenced without delay, and it seems to be better adapted to our situation than any other system that has come under my notice. A plan very similar to this has succeeded well in some of the neighboring States, where the population is sparse, like our own. Time and experience will point out the defects of the system proposed, and enable us by future legislation to perfect and adapt it to the situation and wants of our population.

I would also recommend that the amount which has already accumulated by the appropriation of the one-tenth of the annual revenue of the State derivable from taxation, be added to the principal of this fund, and that for the future, this tenth be apportioned in the same manner as the income of the fund.

Under the present provisions of the constitution, the lands that have been donated to the several counties for public schools cannot be alienated in fee, nor disposed of otherwise than by

lease, for a term not exceeding twenty years. In a State where land is so cheap as it is here, and where so large a quantity is in market, it cannot be expected that under these provisions any benefit will be derived from these school lands during the present generation. Much of it is located in large bodies, in sections of the State where it would be improved if subject to sale. The policy of reserving from sale, and consequently from cultivation, such large bodies of land, may well be questioned, and I recommend to the constitution, by which these lands may be alienated under the direction of the Legislature, upon the petition of a majority of the citizens of the county owning the lands.

If such an amendment were adopted, these lands might be subdivided into small and convenient tracts, and each alternate tract might be sold upon a long credit, at not less than a minimum price; the purchaser to pay an interest of six per cent. on the amount of his purchase, to be annually expended in the same manner as the school money distributed by the State. By adopting this policy, most of the counties would derive some immediate benefit from their school lands, and the alternate tracts reserved from sale would much more rapidly increase in value.

The want of a good University in the State, where a liberal education can be obtained, is a serious inconvenience. It should be our policy to furnish, within our own limits all the means for obtaining an education, that can be had in any part of the Union, so as to remove the necessity of having to send our youth abroad to be educated among those who are hostile to the policy and institutions of the State.

The present seems to be a favorable time to lay the foundation for such an institution, and I respectfully recommend that the sum of two hundred and fifty thousand dollars of the United States bonds now in the treasury, be appropriated and set apart as a perpetual fund, the interest of which shall be applied to the erection and support of a State University. The income of such a fund, with the amount that may hereafter be realized from the lands that have been set apart by an act of the late Republic, will, at no distant period, enable us to build up a University fully adequate to all the wants of our State. I am aware that these lands were appropriated for the establishment and endowment of two Universities, but I suggest for your considera-

tion, that it would be better to have one well endowed institution of the kind, than to apportion our funds for the erection of two neither of which could afford the advantages which are furnished by similar institutions in other States of the Union.

Should such an appropriation be made, it will be necessary to pass laws for the location of the proposed University at some central point, convenient to the entire State, as well as for the erection of the necessary buildings and for the organization and government of the institution.

The establishment and endowment of an Asylum for lunatics, and an institution for the education of the deaf and dumb, are measures that should commend themselves to your consideration. Our census tables show that we have in our midst many of both of these unfortunate classes, who have a claim upon our sympathy and bounty, and who now have to be sent away from their friends to distant parts of the Union, in order to obtain the means of alleviating and improving their condition.

Institutions of this character cannot be established in a State so new as ours, except under the care and patronage of the government, and I recommend that the sum of five hundred thousand dollars of the United States bonds be appropriated and set apart as a perpetual fund, one-half for each of these institutions, the income of which shall be applied to their erection and support. Should you concur in this recommendation, you will of course pass the necessary laws for their location, establishment and government.

These appropriations will absorb a large portion of the United States bonds now in the Treasury, but the objects for which it is proposed to use them are of great practical utility, and will be productive of benefits as lasting as the institutions under which we live.

These appropriations will absorb a large portion of the United States bonds now in the Treasury, but the objects for which it is proposed to use them are of great practical utility, and will be productive of benefits as lasting as the institutions under which we live.

.....
December 23, 1853.

E. M. PEASE.

Mr. Potter offered the following resolution:

Resolved, That such portion of the Governor's message as refers to education be referred to the committee on Education; such as refers to changes of laws, to the committee on the Judiciary:¹.....

PROCEEDINGS IN THE SENATE

FRIDAY, November 25, 1853.

.....

Mr. Holland, Chairman of the committee on Education, made the following report:

Your committee on Education have considered a joint resolution referred to them, proposing to amend the 10th article of the Constitution, and after due examination of the intention and necessity, instructed me to report the same back to the Senate, unamended, and recommend its passage. The committee are of the opinion that it is the duty of all liberal and well regulated governments to educate their children and prepare them for future usefulness; and inasmuch as our Constitution has wisely provided for the education of the children of the country, and this being a progressive age, in which we "live, move, and have our being," we believe that Texas should *at once* make ample provisions for this purpose from her treasury, and by liberal appropriations from her vast public domain, and thereby render *direct taxation for this purpose* useless and wholly unnecessary. And as the accompanying joint resolution has for its object the consummation of all these great ends, we hope it may receive the favorable consideration of the Senate and pass. All of which is respectfully submitted.²

MONDAY, November 28, 1853.

.....

Mr. Holland, Chairman of the committee on Education, made the following report:

¹Journal of the Senate of the Fifth Legislature, Part II, 13-25.

²Journal of the Senate of the Fifth Legislature, Part I, 80.

The committee on Education have had under discussion that portion of his Excellency, Governor Bell's message, which relates to common schools and educational purposes. They have also considered a bill referred to them to establish a system of common schools and after an interesting investigation of its merits and demerits, have instructed me to report the same back to the Senate and recommend its passage, with the annexed amendment.

It does not enter into the design of the undersigned committee to enter into an elaborate argument upon the importance and propriety of their recommendation; otherwise, strong and valid reasons might be adduced in its support. They hope, however, that a few simple suggestions will suffice.

Your committee are well aware, that "a general diffusion of knowledge is essential to the preservation of the rights and liberties of our people;" and that the Constitution has wisely provided for the dissemination of useful information throughout the country.

They are also well aware that our State is so vast and extensive in her territory, and the same has heretofore been so sparsely inhabited as to have rendered the adoption of any method of free public schools at least doubtful and impracticable. But now, since the State is improving in wealth, strength, and morality, they believe it to be politic for her to do all in her power to advance her interest by promoting the cause of education.

The committee are satisfied that such a system as will meet the demands of all sections of the State cannot be adopted under existing circumstances; but they are equally as well satisfied that much good may be effected, and to the largest number, by the adoption of a law embracing the provisions of the aforesaid bill.

And your committee are further of opinion, that it was the intention of the framers of the Constitution to provide for the education of the children of the present and rising generation, and more especially the orphans of those daring and chivalrous heroes who sacrificed themselves upon the altar of Texian liberty, should be the beneficiaries thereof; and hence the necessity and utility of passing such an act as is contemplated in the accompanying bill—ample enough in its provisions to begin a

system—if not, in the opinion of the committee it is well worthy an experiment. It is only by degrees that any general system, having in view the general weal, can approximate perfection. Time will discover defects which experience will correct.

The committee are further of opinion, that it would be unwise and impolitic to interfere with the public school lands, now nearly valueless. If let alone, the spirit of progression in internal improvements, which has so largely infused itself into our legislative deliberations, giving an earnest that in a few years they will be so enhanced in value as to afford a revenue to sustain a common school system commensurate to the exigencies of a densely populated and prosperous State.

Amendment

Strike out in the 11th section all after the word “provided,” and insert, “That should any pupil or pupils, from any cause, be unable to attend school, the *pro rata* amount due such pupil shall stand to his or her credit annually, until said pupil or pupils may go to school, or pass beyond the age of nineteen years; then the amount due said pupil or pupils shall go to the benefit of the district fund.

And be it further provided, that should any such pupil die during any scholastic year, then the *pro rata* amount due such decedent shall revert back to the district fund.”¹

TUESDAY, Nov. 29, 1853.

.....

A bill to establish a system of common schools, with the report of the committee on Education recommending an amendment thereto; read and report adopted.

Mr. Sublett offered the following as a substitute for the first section:

SEC. 1. Be it enacted by the Legislature of the State of Texas, That the sum of three millions of dollars of the proceeds of the sale of the north-western territory of the State shall be

¹*Ibid.*, 94-96.

set apart as a perpetual school fund, for the promotion of the cause of education, the Legislature to have the power to invest, recall and re-invest the said sum of money, as the public interest may require; and the interest accruing upon the same to be appropriated and distributed as hereinafter provided; which, on motion of Mr. Allen, was laid on the table by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Durst, Edwards, Gage, Guinn, Keenan, Kyle, Lott, Martin, Newman, Pedigo, Potter, Scarborough, Scott, Weatherford and Wren—20.

NAYS—Messrs. Hill, Lytle, McDade, Millican, Paschal, Sublett, Superviele, Taylor and Whitaker—9.

Mr. Sublett moved to strike out "six" in the fifth section, 3d line, and insert "seven;" rejected.

Mr. Durst moved to strike out "six" and insert "four;" lost.

On motion of Mr. McAnelly, "five" was inserted instead of "six," in fifth section and 3d line, by the following vote:

YEAS—Messrs. Bryan, Burks, Doane, Durst, Edwards, Gage, Hart, Hill, Keenan, Lytle, Martin, McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Potter, Scarborough, Superviele, Taylor, Weatherford, Whitaker and Wren—24.

NAYS—Messrs. Allen, Armstrong, Guinn, Holland, Kyle, Lott, Scott and Sublett—8.

On motion of Mr. Paschal, the bill and amendments were made the special order of the day for Thursday, the 1st day of December, at 12 o'clock.¹

FRIDAY, December 2, 1853.

.....

A bill to establish a system of common schools; read.

On motion of Mr. Paschal, the substitute heretofore offered by Mr. Sublett, for the first section, was taken from the table.

Mr. Potter offered the following amendment to said substitute:

Which three millions of dollars shall remain in the bonds of the United States, now in the treasury of the State, until such bonds shall become due and be paid, which, on motion of Mr. Holland, was laid on the table by the following vote:

¹*Ibid.*, 102-103.

YEAS—Messrs. Allen, Burks, Edwards, Hart, Hill, Holland, Jowers, Keenan, Lott, Martin, McDade, Newman, Paschal, Pedigo, Scott, Sublett and Superviele—17.

NAYS—Messrs. Armstrong, Bryan, Durst, Gage, Guinn, Kyle, Lytle, McAnelly, Millican, Potter, Scarborough, Whitaker and Wren—13.

On motion of Mr. Scott, the substitute was amended by striking out "three" and inserting "two and a half."

The substitute was then adopted by the following vote:

YEAS—Messrs. Burks, Doane, Edwards, Hart, Holland, Jowers, Keenan, Lott, Lytle, Martin, McDade, Millican, Newman, Paschal, Scott, Sublett, Superviele, Taylor and Whitaker—19.

NAYS—Messrs. Armstrong, Bryan, Durst, Gage, Guinn, Hill, Kyle, McAnelly, Pedigo, Potter, Scarborough and Wren—12.

On motion of Mr. Jowers, the first section was amended by inserting "alone" after the word "interest."

Mr. Taylor offered the following amendment to come in at the end of the first section:

Provided, that no parts of the said fund shall be invested at a less amount than five per cent. per annum; adopted.

The bill was then ordered to be engrossed.¹

TUESDAY, Dec. 6, 1853.

.....

A bill to establish a system of common schools; read third time.

Mr. Hill offered the following amendment to come in at the end of the 9th section:

Provided, that each and every district shall be entitled to select and locate, in the manner herein provided, as many school houses as may be deemed necessary to enable every pupil to obtain the benefit of this act; adopted.

The bill then passed by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Edwards, Gage, Guinn, Hill, Holland, Keenan, Kyle, Lott, Lytle, Martin, Mil-

¹*Ibid.*, 132-133.

lican, Newman, Paschal, Pedigo, Potter, Scarborough, Scott, Sublett, Superviele, Taylor, Weatherford, Whitaker and Wren—27.
NAYS—Messrs. Armstrong, Burks and McAnelly—3.¹

FRIDAY, January 6, 1854

.....

Mr. Holland, chairman of the committee on Education, made the following report:

The committee on Education have had under consideration the important and interesting subject of the School Lands of the State. They have also investigated the condition of the lands appropriated by the Late Republic of Texas for the endowment of two universities, and after much time and labor devoted to the subject, the committee have directed me to make this report:

¹*Ibid.*, 140.

A Statement Showing the Amount of Land Granted, Surveyed and Returned, and Outstanding for Educational Purposes.

GRANTED TO COUNTIES.

COUNTY	Where Located Land District	Am't Ret'd			Am't Outst'g		
		Leagues	Labors	Square Varas	Leagues	Labors	Square Varas
Austin	Milam	4					186,441
Anderson	Houston	3	14	813,559		10	
Angelina					4		
Bastrop					4		
Bell					4		
Bexar	Bexar	4				6	831,993
Bowie	Bowie		18	168,007	3		
Brazoria					4		
Brazos					4		
Burleson	Milam	4					
Burnet		3					
Caldwell	Travis				1		
Calhoun	Fannin	2			2		
Cameron					4		
Cass					4		
Cherokee					4		
Collin					4		
Colorado					4		
Comal	Bexar & Travis	4					
Cooke					4		

COUNTY	Where Located Land District	Am't Ret'd			Am't Outst'g		
		Leagues	Labors	Square Varas	Leagues	Labors	Square Varas
Dallas					4		
Denton					4		
DeWitt					4		
Ellis					4		
El Paso	Bexar	4					
Falls					1		
Fannin		3			4		
Fayette		3	1	527,687			472,313
Fort Bend	Bexar	4					
Freestone							
Galveston	Milam	3			4		
Gillespie					1		
Goliad					4		
Gonzales		1	17	664,385	2	7	335,615
Grayson					4		
Grimes	Bexar	4					
Guadalupe	Bexar	4					
Harris	Harris	3			1		
Harrison	Harrison	2	24	118,246	1		881,754
Hays	Travis	3	12			13	
Henderson					4		
Hidalgo					4		
Hill					4		
Hopkins					4		

Houston					4	
Hunt					4	
Jackson					4	
Jasper					1	129,680
Jefferson					4	
Kaufman					4	
Kinney					4	
Lamar					4	
LaVaca					4	
Leon					2	221,079
Liberty					24	998,675
Limestone					4	
Madison					4	
Matagorda					4	
McLennan					4	
Medina					2	
Milam					4	
Montgomery					2	
Nacogdoches					4	
Navarro					4	544,240
Newton					4	
Nueces					4	
Orange					4	
Panola					4	
Polk					4	
Presidio					4	
Red River					4	
Refugio					4	
Lamar	2	6	870,320	18		
Robertson	1	23	778,921	1		
Liberty	3		001,325	24		
Bexar	4					
Milam	2					
Nacogdoches	3	1	455,760	23		

COUNTY	Where Located Land District	Am't Ret'd			Am't Outst'g		
		Leagues	Labors	Square Varas	Leagues	Labors	Square Varas
Robertson	Robertson			889,300	1	24	110,700
Rusk					4		
Sabine					4		
San Augustine					4		
San Patricio					4		
Shelby					4		
Smith	Rob'son & Fannin	4			4		
Starr					4		
Tarrant					4		
Titus					4		
Travis					4		
Trinity					4		
Tyler					4		
Upshur					4		
Uvalde					4		
Van Zandt					4		
Victoria					4		
Walker					4		
Washington	Bexar		4				
Webb					4		
Wharton					4		
Williamson	Milam & Travis	1	11	334,956	2	13	665,044
Wood					4		

COLLEGES AND UNIVERSITIES.

NAMES	Where Located Land District	Am't Ret'd			Am't Outst'g		
		Leagues	Labors	Square Varas	Leagues	Labors	Square Varas
DeKalb University				4			
Nac'doches	Lam. & Travis	2	18	750,000	1	6	250,000
Herman	Bexar	1			3		
Marshall	Nacogdoches	1	9	284,187	2	15	715,813
St. Augustine	do.	1	22	734,131	2	2	265,869
Guadalupe College	Bexar & Gol'd	1	10	683,130	2	14	316,870
Ruthersville	Rob'n & Bex.	3			1		
University Land	Lamar, Fan'n & Robinson	44	24	093,871	5		906,129

RECAPITULATION.

Counties Colleges and Universities	Am't Ret'd			Am't Outst'g		
	Leagues	Labors	Square Varas	Leagues	Labors	Square Varas
	89	7	622,466	290	17	377,534
	58	18	314,851	19	18	685,149
Total	147	15	937,317	310	9	662,683

Aggregate amount granted for educational purposes, 458 leagues.

The situation of the "University Lands," above referred to, might be more definitely stated as follows:

Located in Grayson county,	73,654	acres
" Cook "	22,215	"
" Fannin "	39,515	"
" Hunt "	7,544	"
" Collin "	1,677	"
" McLennan "	41,212	"
" Lamar "	13,285	"
	<hr/>	
Total returned	199,102	

There is a discrepancy of 8,457 acres between this statement and that made in the last bi-ennial report of the Commissioner of the General Land Office to the honorable Legislature. The error was made in compiling the statistics for said report, by including both the field-notes of an original and of a corrected survey of the same tract. This, therefore, can be relied upon as the correct statement.

The committee have taken some pains in procuring the foregoing statistical memorandum from the commissioner of the General Land Office, showing the exact situation of all lands granted, surveyed, returned, outstanding and otherwise appropriated for educational purposes; and by an unanimous vote of the committee I am instructed to embody said statement in this report, in order that it may be spread upon the journals for general information.

By an examination of the above memoranda it will be seen that the amount of land granted for purposes of education is four hundred and fifty-eight leagues; that out of the quantum of land donated by the old Republic, for the establishment of two universities, only 199,102 acres have been surveyed and returned to the General Land Office, leaving a balance unlocated of twenty-two thousand two hundred and fifty acres; and that out of the ninety-six counties in the State, entitled under a general law to four leagues each, for educational purposes, only eighty-

four leagues have been located and returned, leaving a balance unlocated and due the several counties of the State of 300 leagues. The committee believing that it is all important to have said land surveyed and returned as early as possible have instructed me to report to the Senate the two accompanying bills and recommend their passage.

A bill to amend an act in relation to common schools and academies, and to provide for securing the lands formerly appropriated for the purposes of education, approved February 5th, 1840; each read first time.

Mr. Holland, of said committee, made the following report:

The committee on Education have considered the suggestion of Governor Pease on the subject of the endowment of a State University, and have instructed me to report the accompanying bill, setting aside a certain sum therein named as a perpetual fund, the interest on which, at a proper time, to be used for the establishment and maintenance of one or two State universities, and recommend its passage.

A bill setting aside two hundred and fifty thousand dollars as a perpetual fund for the establishment of one or two universities; read first time.¹

TUESDAY, January 10, 1854.

.....

A bill to provide for the investment of \$2,500,000 of the special school fund in the bonds of railroad companies. Adopted by the following vote:

YEAS—Messrs. Allen, Bryan, Edwards, Gage, Hart, Hill, Jowers, Keenan, Lott, McDade, Millican, Newman, Paschal, Scott Sublett, Superviele and Weatherford—17.

NAYS—Messrs. Armstrong, Burks, Guinn, Holland, Kyle, Martin, McAnelly, Potter, Scarborough, Taylor, Whitaker and Wren—12.

Mr. Weatherford offered the following amendment to the bill: In the 3d section and 13th line, after the word "business,"

¹*Ibid.*, 78-83.

insert: "Together with all the lands that said companies may obtain from the State, by virtue of the several acts to encourage the construction of railroads in Texas by donations of lands, *provided* the lien upon the land shall be void so soon as one hundred miles of their road shall be completed.

On motion of Mr. Potter, the Senate adjourned until 3 o'clock, P. M.

.....

THREE O'CLOCK, P. M.

.....

Mr. Weatherford's amendment to a bill to provide for the investment of \$2,500,000 of the special school fund in the bonds of railroad companies, being under consideration when the Senate adjourned, taken up.

Mr. Gage moved to lay said amendment on the table.

On motion of Mr. Taylor, there was a call of the House, and the Sergeant-at-Arms dispatched for absentees.¹

SATURDAY, January 21, 1854.

.....

Mr. Holland, chairman of the committee on Education, to whom was referred a bill to establish a system of schools, originating in the House, and adopted by that body as a substitute for the Senate's bill to establish a system of common schools, reported the same back to the Senate and recommended its passage.²

.....

TUESDAY, January 24, 1854.

.....

On motion of Mr. Scott, a bill to establish a system of schools was taken up, and, on motion of Mr. Keenan, made the order of the day for to-morrow at 12 o'clock.³

WEDNESDAY, January 25, 1854.

.....

A bill to provide for the investment of \$2,500,000 of the

¹*Ibid.*, 90-91.

²*Ibid.*, 143-144.

³*Ibid.*, 171.

Special School Fund in bonds of railroad companies; read third time.

On motion of Mr. Paschal, there was a call of the Senate, and the Sergeant-at-Arms dispatched for Messrs. Jowers, Lott, Pedigo and Superviele.

On motion of Mr. Taylor, joint resolution reported by the House, resolving to adjourn *sine die*, the Senate concurring, on the 6th day of February next, at 1 o'clock, P. M., was taken up and adopted by the following vote:

YEAS—Messrs. Armstrong, Burks, Guinn, Hart, Holland, Jowers, Kyle, Martin, McAnelly, Newman, Potter, Scarborough, Scott, Taylor, Weatherford, Whitaker and Wren—17.

NAYS—Messrs. Allen, Bryan, Doane, Durst, Gage, Hill, Keenan, McDade, Millican, Paschal, Pedigo and Sublett—12.

On motion of Mr. Holland, the call was suspended.

The Senate refused to pass the bill to provide for the investment of \$2,500,000 of the special school fund in bonds of railroad companies, by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Gage, Hill, Kee-Kyle, Martin, McAnelly, Newman, Pedigo, Potter, Scarborough, Superviele, Taylor, Weatherford, and Whitaker—16.

Mr. Lott being absent, Mr. Wren paired off.

Mr. Potter moved a reconsideration of the vote rejecting said bill. On motion of Mr. Hart, the previous question was ordered.

The question recurring upon Mr. Potter's motion to reconsider, it was lost by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Gage, Hill, Jowers, Keenan, McDade, Millican, Paschal, Scott, Sublett and Superviele—14.

NAYS—Messrs. Armstrong, Burks, Guinn, Hart, Holland, Kyle, Martin, McAnelly, Newman, Pedigo, Potter, Scarborough, Taylor, Weatherford and Whitaker—15.

.....

A bill to establish a system of schools; read.

Mr. McAnelly offered the following amendment:

“Provided, the bonds set aside by this act shall not be in-

vested otherwise than they now are; nor used for any other purpose than that which is contemplated by this act, until after the expiration of ten years from the passage of this act;" which, on motion of Mr. Weatherford, was laid on the table by the following vote:

YEAS—Messrs. Allen, Bryan, Burks, Durst, Gage, Guinn, Jowers, McDade, Millican, Newman, Paschal, Pedigo, Scarborough, Scott, Sublett, Superviele, Taylor and Weatherford—18.

NAYS—Messrs. Armstrong, Hill, Holland, Kyle, McAnelly and Whitaker—6.

Mr. Millican offered the following amendment: Strike out "16" and insert "19", in the 5th section.

Mr. Weatherford moved to lay said amendment on the table; lost by the following vote:

YEAS—Messrs. Armstrong, Durst, Guinn, Hart, Holland, Jowers, Kyle, Potter, Scarborough, Scott, Taylor and Weatherford—12.

NAYS—Messrs. Allen, Bryan, Burks, Gage, Hill, Martin, McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Sublett, Superviele, Whitaker and Wren—16.

On motion of Mr. Holland, the previous question was ordered by the following vote:

YEAS—Messrs. Armstrong, Durst, Guinn, Hart, Holland, Jowers, Kyle, Martin, Newman, Paschal, Potter, Scarborough, Scott, Superviele, Taylor and Weatherford—16.

NAYS—Messrs. Allen, Bryan, Gage, Hill, Keenan, McDade, Millican, Pedigo, Sublett and Whitaker—10.

The bill was then passed to a third reading by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Durst, Gage, Guinn, Hart, Holland, Jowers, Kyle, Martin, McDade, Newman, Paschal, Pedigo, Potter, Scarborough, Scott, Superviele, Taylor and Weatherford—21.

NAYS—Messrs. Hill, Keenan, McAnelly, Millican, Sublett and Whitaker—6.

On motion of Mr. Kyle, the Senate adjourned until 3 o'clock, P. M.¹

¹*Ibid.*, 177-178.

TUESDAY, January 31, 1854.

Mr. Holland, Chairman of the Committee on Education, made the following report:

The committee on Education have had under consideration a bill to incorporate two Universities for the State of Texas; they have also examined the following resolution adopted by a meeting of the friends of education held in the city of Austin on the 24th inst.:

“Resolved, unanimously, That the Legislature now in session be respectfully requested to make a liberal and equitable appropriation of money and land to the various academies and colleges already chartered and now in successful operation.”

The committee have instructed me to say, that in their opinion the subject matter contained in the bill and resolution above referred to is of too much importance to be considered and passed upon at this late hour of the session; and, therefore, should be reported back to the Senate, to be placed among the unfinished business of the session, and ask to be discharged from its further consideration.

DEBATES IN THE HOUSE

TUESDAY, Dec. 13, 1853.

.....

Mr. Palmer said—

.....

Now, we see here two sections of the Constitution—one requiring the legislature to make suitable provisions for the support of public schools, and another providing for immediately raising a fund for the support of Free Common Schools. The question is, then, has the legislature made the provisions required by the Constitution? I say, without the possibility of successful con-

¹Compare page 263.

²*Ibid.*, 222-223.

tradition by any individual on this floor, that it has not done it.

The fund arising from the ten per cent. appropriations has not yet amounted to a sum not exceeding fifty or sixty thousand dollars and the whole fund together with the ten per cent. set aside upon the sale of the indemnity bonds does not amount to over eighty-two thousand dollars. How long, sir, has it taken to raise this amount in this way? I believe about seven years. Now, how long, at such a rate, will it take to raise a sufficient amount to establish and support a proper school system throughout our broad State? I believe I shall not be going beyond the bounds of probability in supposing it will take, at least, one hundred and ninety-nine years.

I state as a proposition which cannot be denied, that so long as the amount expended for the support of schools is annually taken from the principal, and the principal is thus continually diminished, you cannot provide as you should do for their support. What good could be effected by that eighty-two thousand dollars? If you undertake to use the principal in organizing your system, it would be exhausted in the first year and the system would come to an end. If, on the other hand, you put it out on interest at ten per cent. interest, you would have but eight thousand two hundred dollars to expect annually for this purpose. How far, Mr. Speaker, would that go in supporting public schools? It would not support a school in five counties in the State. It cannot be denied that the provisions of the Constitution—enactments of the legislature thus far under them, have proved wholly insufficient to accomplish the desired objects. Then, sir, this bill undertakes to remedy that defect. It undertakes to set aside such an amount for school purposes, as when properly invested, will give them an adequate support by the expenditure of the interest annually arising therefrom.

The interest on the two millions of bonds now proposed to be set aside at five per cent. is a hundred thousand dollars. This is actually more than, under the provisions of the Constitution, the school fund has amounted to in the space of seven years. And this one hundred thousand dollars can be used immediately for the support of schools. These two millions, then will remain as a permanent school fund, untouched and undiminished; the interest being sufficient to put and keep in successful opera-

tion a school system, from which each and every part of the State must derive the highest benefits.

I think it will be found upon an investigation of the school system of several sister States, that there are only two modes by which anything deserving to be called a school system can be maintained. The one is by establishing a permanent school fund, the interest of which can be annually appropriated for the support of schools. The other by direct taxation. Such States as have attempted to support their public schools by direct taxation alone, have wholly failed. This we desire to avoid.

I think it can be clearly shown that those States which have had the most successful systems have had permanent school funds which they have kept invested at interest, so as to furnish an annual fund for the support of schools without using or diminishing the permanent fund.

I beg leave here, Mr. Speaker, to read a statement relative to the school funds of several of the different States, and the manner in which they have established and are kept up.

Maine has a permanent school fund of.....	100,000
Vermont	234,900
Massachusetts	810,494
Rhode Island	433,635
Connecticut	2,070,055
New York	6,374,144
New Jersey	380,000
Delaware	175,750
Virginia	541,200
Georgia	263,000
Alabama	927,850
Tennessee	884,043
Kentucky	1,221,819
Ohio	1,455,124
Michigan	457,042
Indiana	279,663
Wisconsin	76,510,949

The School fund of Rhode Island is invested in Bank stock and other securities, the interest on which together with the amount raised by taxation furnishes annually for the support of her schools the sum of \$54,000.

The school fund of Connecticut is invested in bonds and mortgages and Bank stock, and the annual dividends arising from the same, and given to her schools amount to \$119,385.

The school fund of New York is so invested as to furnish an annual dividend to schools of \$412,896.29 which is appropriated to the education of over half a million of children annually.

The school fund of Alabama was raised by the sale of lands granted by Congress, sold on a credit at interest. The amounts collected on the sales remain in the Treasury as a charge against the State, at an annual interest, which is used for the support of schools.

The school fund of Tennessee is invested in her State Banks stock, and \$118,000 annually arising therefrom appropriated to the support of schools.

The fund of the young State of Wisconsin is drawing an annual interest of 7 per cent., with which she has established upon a wise policy a permanent school system.

The State of Pennsylvania is the only State within my knowledge which has ever been able to support successfully a school system by direct taxation. She raises the sum of \$234,000 per annum by direct taxation for the support of schools.

The States of North and South Carolina, Florida, Mississippi, Louisiana, Illinois, Missouri, and others have but poor, if any school funds, and in them the common school systems have been greatly neglected, to the injury and ruin of hundreds and thousands of the children of their best citizens.

Now, what do we gather Mr. Speaker from an examination of these different systems? It is this! That wherever any school system which deserves the name of a system has existed, it has been established and supported by setting aside a fund for the purpose, and keeping the same permanently invested at interest, the interest arising from which has been found adequate to the support of their systems.

Texas has now, sir, the opportunity of establishing a fund, which, if properly managed, will enable her to establish a school system, equal if not superior to that of any State in the Union. She has more than ample means to pay every dollar of her established debt, and set aside this fund now proposed to be secured for purposes of education. I hold now in my hands the last

report of the Comptroller of the State, showing that after the payment of the entire debt of the late Republic upon the basis which has been established, including \$668,871.65 still outstanding and unaudited; but supposed to be just, there will remain in the Treasury of the State \$4,249,418.57, in the bonds of the United States, drawing five per cent. interest.

Besides this, the annual revenues of the State, arising from taxation, are more than sufficient to pay all regular expenses of the Government. After setting aside two millions of dollars as a school fund, there would still remain in the treasury \$2,249,418.51, at five per cent. interest, which of itself would be sufficient to meet the annual expenses of the Government without taxation.

Texas has now a fairer and better opportunity of making adequate provision for the support of her schools than any State has heretofore had, or can hereafter expect to enjoy. By setting aside these bonds, we secure an interest of \$100,000 per annum, for the support of schools, which will be sufficient to put a system into immediate operation. And I believe that by judicious action one can at once be adopted which will meet the demands of the people on this subject; and relieve us from the charge continually rung in our ears, of neglecting this all important matter. I need not urge upon this House, Mr. Speaker, the importance of providing for the education of the youth of our land. Every mind is fully impressed with the belief that the future prosperity and happiness of our people, as well as the preservation of their liberties, depend greatly upon a proper diffusion of knowledge among them. And I have no doubt that two-thirds of the members of this House hold their seats here at this time under a promise to their constituents to make liberal provisions for the cause of education at this session, and I do hope and trust that every man's constituents who proves faithless to his trust in this respect, will hold him personally responsible for his action on this subject. And I appeal to those who claim to be the friends of education to secure this fund at the present session, while it is in their power to do so,—not by adopting the amendment of the gentleman from Victoria, (Mr. Stapp,) which seeks to set aside money which we cannot get hold of until every man, having a claim of one dollar against the

State, sees proper to file a release. This so called amendment strikes immediately at the bill, and under the pretended garb of friendship seeks to give it a death blow. What good will it do the present population of Texas to set aside \$2,000,000 which they cannot get hold of? Will that gentleman be kind enough to explain to this House how a school system is to be established and supported with that money, so long as our creditors choose to keep it locked up in the United States' Treasury, so that we cannot even use it to pay our debts with, except upon such terms as they may choose to dictate to us.

I want the money with which to adopt a system now. Hundreds of our children will in all probability grow up in ignorance, if we have to depend on the plan proposed by the gentleman's amendment. The people want the means of educating their children now. They ask it not as a boon, but they demand it as their right, which, if not yielded to them ere long, will cause them to rise and give utterance to their voice in stronger terms than they have ever yet heretofore done. And I again warn the friends of education that if they let the present opportunity pass of securing this fund for purposes of education, and at a future day it shall be found secured to public creditors at the face value of their claims, or squandered still more foolishly, upon them rests the responsibility.

I for one stand ready to perform what I believe to be our duty to ourselves, our constitutents, and posterity.¹

.....

FRIDAY, Dec. 15, 1853.

A BILL

To be entitled an act to appropriate and invest two millions of dollars as a special fund, being under consideration—

Mr. PARSONS said—It was not my intention to have troubled the House with any remarks on the bill now pending; but, sir, when I see honorable members on this floor manifesting such

¹*Tri-Weekly State Times*, Austin, January 14, 1854.

cold indifference to the subject of education, I cannot in justice to my own feelings and the sentiments entertained by my constituents, longer forbear.

Gentlemen, in their opposition to the measure now before us, have traveled beyond the record, and have gone on to suppose that another bill will follow, to loan the money proposed to be set apart, for the building of railroads. Admit the fact, and what then? Why, sir, I contend that this policy has been fully settled by the people themselves, at both of the two last general elections. I mean the setting apart of a sufficient amount of money for a school fund—loaning the principal, for facilitating objects of internal improvements, and applying the interest towards the support of public schools.

This, sir, was one of the most prominent points in the policy advocated by candidates, particularly those for Governor; and the gentleman from Fannin will recollect that this policy was advocated by his favorite candidate for that office, with all his known ability and eloquence.

It was also a prominent point in the policy advocated by Col. Pease, our Governor elect. I hold in my hand a State Gazette of May 28th, containing a synopsis of an address of Col. Pease, and with permission of this House, I will read a short extract from it.—[read.]

He stated that “if elected, he would recommend to the legislature the setting apart of \$2,000,000 of the United States’ stock now in the State Treasury, as a special and permanent school fund—the principal to be loaned, and the interest distributed among the counties, in proportion to the number of children between the ages five and sixteen. He did not believe that there exists any constitutional objection to loans by the State to objects of internal improvement, and was in favor of loaning the surplus in the treasury to corporate companies for that purpose, where they could give good and ample security for the payment of the principal and interest, at maturity;” holding that the very idea of setting apart money as a permanent school fund contemplates its investment, otherwise the principal would be exhausted, and the special fund cease to exist.

Yes, sir, I assert that these principles were promulgated throughout the length and breadth of our State, and no where

have I heard of a dissenting voice among the people; but on the contrary they have spoken to us in language which cannot be mistaken, that they expect us to carry out the measures.

As the subject of education is the one now particularly before us, I desire to say that I look upon it, both in a social and political point of view, as one of vast importance. It is one, too, which is attracting the attention of patriots and statesmen throughout our country, for it is well known by those who are versed in the science of Government, that the tree of Liberty will not flourish in an ignorant soil—it will wither and die. Where the masses of the people are uneducated, designing politicians will artfully mislead them, and when once the Rubicon is passed, history informs us that their course has ever been onward to the destruction of every vestige of Liberty. Witness, for instance, Spanish America, as well as countries in Europe, where Republican forms of Government have been attempted, and in consequence of the ignorance of the people, have fast degenerated into the worst of despotisms. In such country, how easy it is, for political Demagogues to excite the prejudices and inflame the passions of the multitude, and then to lead them on to deeds of cruelty most revolting.

We boast it as the distinguished feature in our Republican Institutions that all power is lodged in the hands of the people. This is undoubtedly the best form of Government ever devised, where the people are capacitated to use that power intelligently and wisely—otherwise it is but as a knife in the hands of the maniac. A Republic, in which the people who hold the sovereign power are given up to ignorance and moral degradation, is one of the grandest treasons ever devised against humanity. History is a stern monitor, and she warns us, as we value the liberties and welfare of our country, that we seek out the amelioration of the masses, by educating them and inspiring in their minds virtuous principles—for it is upon the virtue and integrity of the people that our Republican Institutions must depend for their support.

It was, then, in view of the great importance attaching to this subject, that the framers of our Constitution have wisely provided that “the legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support.” The time has now arrived when we are em-

phatically called upon to discharge this duty. We have the means in our power, and the voice of the people has come up here in one long, loud call, which cannot be mistaken; I therefore hope that the fund will be set apart as provided in the bill.¹

.....

MONDAY, Jan. 9, 1854.

The bill to establish a system of Common Schools, being under consideration,

MR. FRANKLIN OFFERED AN AMENDMENT.

He said—I move to amend the caption, in order that it may conform to the provision of the Constitution, that every law shall embrace but one object, and that shall be expressed in the title. Under the tenth article it is provided that the legislature shall, as early as practicable, establish *free* schools throughout the State. It is said by the friends of the bill, that its object is to establish a system of schools under the Constitution. If that is the object, there can be no objection to using the language of the Constitution. The title as it stands is—“an act to establish a system of common schools.” The amendment will make it—“an act to establish a system of *free* schools throughout the State.” I propose it, because there are two classes of schools and of public schools, known and recognized by the Constitution. The first section is general in its character, and according to my own view is intimately connected with the second section. But admitting that they are distinct and substantive provisions—taking them in connection with the third section, it would seem that the framers of the Constitution had in contemplation two classes of schools—one of them comprising the colleges and academies in the various counties, to which the Republic of Texas, when in existence as a nation, had made donations of land. But the class of free public schools is the only one which the constitution requires us to keep up and support. It

¹*Tri-Weekly State Times*, Austin, February 11, 1854.

does not require the Legislature to provide the means to support every school that may be established in a county—every academy or college that may be chartered throughout the State. Then by this amendment I propose to limit our action upon this subject to the class of schools for which the constitution requires that the Legislature shall provide the means of support.

Mr. FERRIS: I have but very few words to say in reply to the gentleman from Galveston. I would simply remark, that the reason why the caption of the bill reads, "a system of common schools," is because the object of the bill itself is to provide for the establishment of *common* schools, and not of *free* schools.—Hence, if you change the caption, as proposed, it will not define the character of the bill. Any member who has read the bill, knows that it does not contemplate the establishment of *free* schools. In the States of Massachusetts and Connecticut they have established free schools. In the State of New York, in Illinois, and most of the other States, following the example of New York, they have not established free schools, but, as they term them, common schools; because they are not absolutely free schools, though they are such to some extent.

The object is not to establish free schools here. We cannot at present adopt that system. That would require a school fund of four millions, perhaps of five. The gentleman who offers this amendment aims a blow at the whole bill; and as he stated this morning that he is an enemy to common schools, I can see his object.

(Here Mr. Ferris read some of the provisions of the bill, and proceeded:)

It proposes that the interest of this money shall go to pay the salary of teachers, as far as the fund itself will justify. And the bill provides that the balance of such salary shall be paid up by the patrons of the schools, according to the number of children, and the time they are sent to school. It is in part a free school, and in part a school to be supported by individual contributions.

The two sections before referred to in debate provide for the free education of the children of the poorer portion of the community—of those who are not able to pay their share of the tuition fees.—Now, the difficulty raised here with regard to the

peculiar phraseology of the constitution is obviated in this bill. And I consider it the great and particular merit of the bill before the House, that the fund set apart and created by the constitution, of one-tenth of the annual revenue derived from taxation, is applied alone to the free education of those whose parents are unable to educate them; and so far as that class of the community is concerned, we are establishing by this bill a system of free schools. The gentleman then cannot raise any constitutional objection to the bill, because the fund raised by the constitutional provision is to go to the free education of the children of those who are unable to pay their *pro rata* for the support of schools.

We are unable to create an absolute free school system, without a resort to taxation. We here propose a system similar to that of New York and other States, where all children are allowed to be educated, and if a certain class among parents and guardians are unable to pay their *pro rata*, their children can be educated free of charge.

I am in favor of the bill as it is, and I hope no more amendments will be presented to cloy its passage. What is the object of thus attempting to block the wheels of legislation, and consume the time of the House to no purpose? We have no time to lose. Many of us will go home in a few days, whether the House adjourns or not, and we have other important measures to act upon. I move to lay the amendment on the table.

The amendment, with others afterwards proposed, was laid on the table.

Mr. RUSHING offered some amendments, and spoke as follows:

Mr. Speaker: In offering these amendments, I would have the House understand that I do not do so to impede the passage of the bill, but to cure an obvious defect, which, in my humble judgment, will tend, in a great degree, to foil the object for which this bill is certainly intended. I offer this amendment as a friend to the measure, to understand which, I call the special attention of the House to the 12th section of the bill. I will read it first as it is, then as I propose to amend it.

“Sec. 12. If any patron or patrons of the school are unable to pay their share of the salary as aforesaid, and the said trus-

tees be satisfied of the fact, it shall be the duty of said trustees to make out a list of all such patrons in the district, together with the amount of money due from each for tuition, and forward the same, under their own proper signatures, to the Chief Justice of the county."

I propose that it shall read thus: "It shall be the duty of the said trustees to take the number without the names of all such patrons as may be unable to pay, &c." Then, in the 13th section, I also ask to strike out "lists," and insert "number."

I hope every gentleman will see the policy at once. The bill as it now stands will force every citizen in the district, who may unfortunately be unable to pay the excess, to have his or her name sent up to the Chief Justice, and from him to the State Treasurer, as paupers.

Now, Mr. Speaker, I do think this feature will have a deleterious effect upon the ends which this bill is intended to accomplish. If I understand the intention of this bill, it is to assist the poorer class of society to educate their children—to afford the means of a common English education to all, and not to notify the public who are paupers. I should not like this. Men do not like to be handed round as being unable to pay a trifle; they would refuse to send to school where there was a probability of their being thus exposed. So the object of the bill, I say, would be in a great measure defeated. I hope gentlemen will consider this defect in the bill, and cure it by the adoption of the amendment proposed.

The amendment was laid on the table, and the substitute was adopted.

Mr. SIMS offered an amendment:—Strike out "only," in the 8th section, 4th line, and add, at the end of the section, "and such other teachers as parents or guardians may select with the State, the parents being entitled to their *pro rata* share for each child within the scholastic age."

He said: In offering this amendment, in all probability I may be looked on as an enemy of the bill. In part that is true: I do not believe that this bill will work well, so far as regards a majority of the people of this State. I offer that amendment to make the bill as good as possible before it passes, and I hope it may be made. The framers of this bill have spoken a good deal

about free schools, and I want them to be free indeed. I wish that parents and guardians may have the right of sending their children to any school within the limits of our State; whether it be a high school, a common school, or an old corn-field school; or term it as you please—to any school that may suit them, and at the same time, be permitted to draw their *pro rata* amount of the money. And I would say, further, that a like amendment was offered to the bill in committee, and was only lost by a tie vote. I believe the amendment is a good one, and I hope it will be adopted.

On motion of Mr. Hale, the amendment was laid on the table.

Mr. STOUT offered an amendment: Strike out “two millions,” and insert “one million.”

He said: I am in earnest in offering that amendment. I think that sum amply sufficient; and I will here state, that I am not particularly opposed to the substitute which has been adopted; but if we are going to set apart money for this purpose let us not defraud our creditors, but retain a sufficient amount to pay our debts. I think one million ought to satisfy the friends of this bill. By the meeting of the next Legislature, it will be known what is the precise amount we shall then owe; and if, after paying our creditors there should be a surplus, we can easily set aside half a million or a million more.

(After some remarks inaudible to the reporter, he continued):

We have already given away the State tax for the next two years. I am apprehensive that two years hence the State will be found without a dollar in the treasury, and then we shall have to go back and take up this school fund.

I know that this scheme of free schools looks well in the eyes of the people, and that men make capital out of it; but, in the first place, we should pay our just and honest debts. And as it has been said, too, we wish to school and educate the children of the old pioneers of Texas.

I say, let us pay what we owe to those men—to those who have stood by the country in her darkest hours, and given their time, their money, their property, all that they had, to secure her welfare; and then, if they are not able to educate their children, there will be time enough to set aside a fund for that purpose.

I will go with gentlemen in passing the bill if they will put this fund down to a reasonable amount, and not leave the State in such a situation, that at the next session we shall have to take the money back.¹

.....

FRIDAY, Jan. 13, 1854.

The bill to establish free schools being before the House, the amendment offered by Mr. Palmer was read.

Mr. PALMER said he knew of no successful school system which had been established without a superintendent. He contended that 1500 dollars a year could not be better appropriated than to pay the salary of such an officer, who should go about the State explaining the *modus operandi*, and putting the system in operation. The system must have a head, and the duties to be performed would keep one man busy all the time. This officer ought to have a better salary than that proposed, but he thought it best at present to put it at the amount named.

Mr. (Speaker) RUNNELS inquired where the money was to come from?

Mr. PALMER explained. The superintendent was to be paid as the teachers were.

Mr. FRANKLIN: I trust the amendment will be adopted. I may be in error in my conception of the bill, or at least that from which the greatest benefit is to be derived, in my opinion, is embodied in this amendment. It proposes to adopt a system, and we should adopt one that we shall not be compelled to throw up hereafter. This bill is merely an initiatory step towards establishing a system of schools, and I believe that having a superintendent of common schools will have a tendency to form a system.—No system can be perfect in the beginning, but time will perfect it.

Mr. (Speaker) RUNNELS looked upon the salary of this officer as unnecessary expense. He believed that the people would have to be taxed to support the system in any event; and

¹The *Tri-Weekly State Times*, Austin, March 18, 1854.

the amendment contemplated imposing duties upon the superintendent which could not be discharged by any individual. The thing was utterly impracticable.

Mr. FIELDS: It will create uniformity. It will do it for one thing, in the use of books—a very important matter, in my opinion. I believe it has been customary in most of the older States, to create the office of Superintendent of Public Instruction. I believe that such is the case in my native State of Tennessee, and I have not heard any objection to it. I think the adoption of the amendment will result in good; and that the small amount of fifteen hundred dollars, as proposed, will be well expended.

Mr. TURNER, of Rusk, after some remarks indistinctly heard by the reporter, said: This amendment, it seems, is calculated to effect no common good. We find united in its support, gentlemen who are opposed to the policy *in toto*, and those who claim, perhaps, to be the exclusive friends of the measure. I am in favor of the education of the people. I regard it as absolutely necessary for the perpetuation of the liberty we now enjoy. By the education of the rising generation, we prepare them to take the place of those by whose wisdom and energy this fair fabric of our government has been built up here. But sir, I am not in favor of fostering, under the sacred name of education, a principle entirely foreign to that subject.

That amendment proposes to create an office and appoint an officer—to do what? To perform an impossibility. It proposes to create an officer under the name of a superintendent, and require him to perform labors beyond the power of any human being to perform. There are something like one hundred counties in Texas, which will probably average five schools to a county. That superintendent is required to embrace in his visitations a territory that is almost an empire, to see that uniformity is carried out; to select school-books for all the schools; and to do a thousand other things, more than it is possible for any man to do. If he visits the cities, where society is well organized, I do not know that his instructions will be of any very great importance then. If they are of importance anywhere, it is in the sparsely settled portions of the country. I think, however, that the education of the children who could be instructed for

the same amount of money, would be of more importance than the peregrinations of a superintendent over the country.

(After some remarks by Mr. Throckmorton)

Mr. MOORE, of Polk, said a few words in reply, regarding his position upon the question, and proceeded; I am opposed to this amendment. I am friendly to the adoption of a system of education and I believe there are few portions of the State of Texas, which are not desirous that some school system should be established at this session.

The common-school system best known to us, is not so well understood and appreciated, nor has it been so successful where tried, throughout the South, as in the North. And why, sir? On account of the sparseness of the population.—Gentlemen tell us of the office of superintendent in the New York system.—True there may be such an office there; but how can you compare New York with Texas, when it is a question of adopting the details of a system suited to our wants and circumstances—the one with her population of millions, the other with her immense area? Is there any probability that the system which would work well in the one State would work well in the other? I don't like to hear gentlemen boasting about their antecedents; but as mine have been humble, I may be excused for referring to them. I have had the honor, and I call it an honor, Mr. Speaker, of being a pedagogue, a teacher of schools. It has been my fortune to teach in four States in the Union, and that particular individual called a school superintendent I have never met. Such an individual might be found in the cities, but never traversing the State. Now, what great good can be effected by creating this office? If it will effect any good towards establishing a school system, the gentleman is right and I am wrong. But I cannot see where it will have such a tendency. We have one hundred counties in the State. Now, I ask how often this superintendent can traverse these counties in the course of a year? You must subdivide them, sir, so as to suit the convenience of the people: and yet, how many counties in the State will be honored with his attention? I think very few, sir.

The best school system we can get is the simplest. I do not allude to the district system as proposed in the bill, and I expect

to offer an amendment to it—not as an opponent of the measure, for God forbid that I should raise my voice against that holy cause.¹

.....

REMARKS of MR. FERRIS, of Cass, against an amendment offered to the School Bill:

Mr. Speaker—The amendment now offered by the gentleman from Galveston, proposing to change the 12th and 13th articles of the bill, is virtually the same as the one offered on yesterday by the gentleman from Jackson. As the arguments used by these gentlemen have not been replied to, and as I perceive they are creating doubts in the minds of some of the friends of the bill, I propose to submit a few remarks.

What is the object of this amendment? Is the gentleman really a friend to common schools? Does he seek, by this amendment, to make the bill a better one? I think I can show, in a few words, that he is an enemy to the bill, and that if his amendment were adopted, the common school system, which we seek to establish, would be virtually defeated.

It will be remembered that, by the provisions of the bill, each School District is required to pay the teacher its distributive share of the public fund. Each parent is then required to pay his *pro rata* of the balance due the teacher, according to the number of children and the time he has sent to the school. The 12th and 13th sections provide that if there are persons who are unable to pay their share of such balance due the teacher, that amount shall be paid by the treasurer, out of the school fund derivable from taxation, and created by the Constitution. Now, this amendment proposes to strike out the provision requiring the patrons of the school to make up the deficiency to the teacher—to strike out the provision for the free education of the poor, and leave public schools to be supported alone by the interest upon two millions of dollars, and the fund created by the Constitution. It would operate upon the presumption that the interest upon the school fund would support absolute free schools throughout the State.—Would it do this? Is there any man

¹The *Tri-Weekly State Times*, Austin, March 21, 1854.

upon this floor who believes that the interest upon our entire school fund would do it? No, sir; and the gentleman from Galveston, himself, does not believe it.—He knows very well that if teachers are not paid, the school system must fail. We must, sir, beware of these propositions, which come before us in the guise of friendship, but really from the enemies of the measure.

It has been gravely argued that this bill is unconstitutional, because it does not establish FREE SCHOOLS. It is true we do not propose to establish *absolute* free schools, from the fact that we have not a sufficient fund; and, sir, if we should wait until such a fund should be raised by the provisions of the Constitution, this generation, and the next even, would never live to realize the benefits of the institution. I say this, because it is reasonable to anticipate an increase of population equal to an increase of the fund. But, sir, we do propose to place an elementary education within the reach of every child in Texas. The system adopted in this bill is similar to that which has been long in successful operation in the State of New York. In that State the tuition due from indigent patrons is paid by direct taxation. Here we have a fund created by the Constitution, which happily meets the exigencies of the case, and which this bill proposes to appropriate alone to the *free education* of the poor. How can the bill be unconstitutional, when the fund created by that instrument is expended only for *free education*?

Why, sir, adopt this amendment, and you strike out the most meritorious part of the bill. The very object of establishing public schools, is to help those who can't help themselves—to aid those who cannot meet all the expenses of tuition. The rich need no aid; but it is the virtuous poor to whom the State should lend a helping hand. I look upon it, also, as a question of State policy. In a free, republican government, supported and often changed by the voice of her people, how necessary that all should be enlightened. Idleness and ignorance are the parents of crime. If the poor children who are growing up among us are not educated and imbued with right principles, in all probability they will either become victims of crime and dissipation, or detain the courts of the country and fill our penitentiary. Would not our State be acting a wiser and better part to open

to them our common schools, take them by the hand and point them to the temple of virtue and knowledge.

Gentlemen say that "we create an odious distinction—no one likes to be called poor." Who, I ask, are designated as poor persons? They are not named in the bill—no person is obliged to avail himself of free tuition. It is merely proposed to give free education to those who ask it—who appreciate and justly claim the exemption. There are many widows and orphans who would hail this privilege as a boon and a blessing. I repeat it, sir, that this provision for the free education of the poor, is the most meritorious part of the bill; and if we had no school fund to meet the case, I would favor direct taxation, to carry out the laudable undertaking.¹

ADDRESS

TO THE FRIENDS OF EDUCATION THROUGHOUT THE STATE.

At a mass meeting held at the city of Austin, January 23d, 1854, the friends of learning took the initiatory step, and furnished an exponent of their sentiments, by the appointment of a Central Committee of Education. As the organ of the said committee we would earnestly call upon all to unite with us in ascertaining the educational wants of the State—in obtaining statistics of the various schools—to examine the Common School Bill with that degree of care that will enable you to propose those amendments which will supply any defects that may exist, and ultimately render the details of the bill perfect—to hold primary meetings in the different counties, and discuss the best measures to be pursued to raise the standard of Education—to devise the means of placing our institutions of learning in a position as elevated as those of our sister States, thereby superseding the necessity of sending our sons and daughters abroad, to complete their collegiate course—to patronize home, and not Northern Seminaries, affording encouragement to our teachers and saving our youth from the influence of principles at war with our institutions and affecting our dearest rights—with one general and

¹*Tri-Weekly State Times*, Austin, February 2, 1854.

united voice to ask our legislature to extend that liberal aid to our Academies and Colleges which will enable them to become the just pride of the State, and show to the world that we will not only be the Empire State in point of territory, but in the number and excellence of our institutions of learning.

JOHN W. PHILLIPS,

Chairman Central Com'ee.

WILLIAM M. BAKER,

Corresponding Secretary.

B. J. SMITH,	} Committee.
DANIEL BAKER,	
E. WALBRIDGE,	
L. C. CUNNINGHAM,	
ANDREW NEIL,	

Papers throughout the State please copy.

AUSTIN, February 3d, 1854.¹

AN ACT
TO ESTABLISH A SYSTEM OF COMMON SCHOOLS

Section 1. *Be it enacted by the Legislature of the State of Texas.* That the sum of two millions of dollars of the five per cent. bonds of the United States, now remaining in the treasury of the State, be set apart as a school fund, for the support and maintenance of Public Schools, which shall be called the Special School Fund, and the interest arising therefrom shall be apportioned and distributed for the support of schools as herein provided.

Sec. 2. That the Chief Justice and County Commissioners shall constitute a board of School Commissioners for each county, whose duty it shall be, during the year eighteen hundred and fifty-four, to form their respective counties into school districts of convenient size, and number the same, so that each district in a county shall be known by its appropriate number. Provided, however, that in forming said districts the convenience of neighborhood shall be regarded as much as possible, and each school district shall contain a sufficient number of

¹*Tri-Weekly State Times*, Austin, February 7, 1854.

children for the maintenance of a school. They shall also at the same time, order an election by the qualified voters of each school district, for three trustees for each district, giving ten days' notice of such election by posting up advertisements of the same at one public place at least, in each district, stating fully the time and places of holding, and the object of said election.

Sec. 3. It shall be the duty of the Chief Justice to appoint a suitable person in each district to preside at the election in his district, who shall make his returns within ten days to the Chief Justice of the county, and the said election shall, in all other respects, be governed by the laws regulating elections.

Sec. 4. The District Trustees so elected, shall select from their number a chairman, who shall, whenever it may be deemed necessary, call a meeting of the Trustees, and preside at their deliberations, and perform such other duties as may hereafter be assigned him.

Sec. 5. That it shall be the duty of the Assessor and Collector of each county in the State, during the year eighteen hundred and fifty-four, and every year thereafter, to make out a list of all the free white population in his county between the ages of six and sixteen years, particularly designating the number of persons between such ages in each school district, and transmit the same, under his hand and official signature, to the County Clerk of the county, and a certified copy thereof to the Treasurer of the State, on or before the first day of July, in each and every year.

Sec. 6. That it shall be the duty of the clerk of the County Court to file and preserve in his office the election returns and the list aforesaid furnished by the Assessor and Collector. It shall be the duty of the Treasurer of the State to ascertain, from the abstracts transmitted to him by the Assessor and Collector, the aggregate population between the ages of six and sixteen years, and so much of the fund appropriated by this act as may be in the treasury shall be apportioned among the different counties in the State, according to the number of the population of scholastic age in each county, subject to the order of the County Courts, and payable to the respective County Treasurers, upon the order of such County Court, under the hand of

the Chief Justice and the seal of the Court, or such amount may be placed to the credit of the Assessor and Collector of taxes of such county, upon the payment into the county treasury of his county the amount so apportioned to such county, and filing the receipt of the county treasurer, acknowledged by such treasurer before the clerk of the county court, and by the said clerk duly certified, under his hand and the seal of his court, with the Treasurer of the State.

Sec. 7. That it shall be the duty of the District Trustees to fix the time and place for holding an election in their respective districts (for the location or selection of school houses within their respective districts) and to appoint a presiding officer. That the chairman of the board of trustees shall cause written notice of such election to be posted up for at least five days next preceeding the election, in three public places in each school district. That the returns of said election shall be made within five days to the chairman of said board, who shall examine the same in presence of his co-trustees; and a majority of the votes polled in a district shall be necessary to the permanent location of a school house; and no change of the location of a school house thus located shall be made, except by a majority of two-thirds of those voting in such election, taken after due notice as above provided.

Sec. 8. That no money shall be drawn from the county Treasury for school purposes in any school district, until the people of such district shall have provided a good and substantial school house, with the necessary seats and other fixtures, and that the money appropriated by this act shall be applied only toward the payment of teachers for each school

Sec. 9. That it shall be the duty of the school trustees for each district, as early as practicable after their election, by giving due notice, to call a meeting of all the patrons of the school in the district, and a majority of those present shall indicate to the trustees the length of time during the year they desire a school, the kind of teacher they want and the amount of salary they are willing to pay. It shall be the duty of said trustees to observe, as far as possible, such instructions, to employ teachers of suitable moral character and qualifications, to visit from time to time the district school or schools under their charge, to expel

a pupil for misconduct, to examine all complaints between teacher and pupil of a serious character, to discharge a teacher for incapacity or improper conduct, and generally to exercise supervision over the affairs of the school within their district.

Sec. 10. That the teacher of each school shall be required to keep a roll or day-book, and at the close of his term of service, to furnish said school trustees with a tabular statement of the names of all the patrons and pupils of the school; the number of pupils sent by each patron, and the number of days attended by each pupil, which statement shall be supported by his affidavit, made before some officer authorized to administer oaths, that the same is true and correct.

Sec. 11. That it shall be the duty of said trustees, upon receiving the shares of the school fund to which their school district is entitled, to apply the same toward the payment of the teacher's salary, and the remainder of said salary, if any, to apportion equally among the patrons of the school according to the number of pupils and the time sent by each to the school; and if any such patron should neglect or refuse to pay his share of the salary as aforesaid, said trustees may institute suit against him or her for the amount of money due, and the tabular statement furnished them under oath, by the teacher, and mentioned in the preceding section of this act, shall be *prima facie* evidence of such indebtedness.

Sec. 12. If any patron or patrons of the school are unable to pay their share of the salary apportioned as aforesaid, and the said trustees be satisfied of the fact, it shall be the duty of said trustees to make out a list of all such patrons in the district, together with the amount of money due from each for tuition, and forward the same under their own proper signatures to the Chief Justice of the county.

Sec. 13. That the Chief Justice of each county shall annually furnish the Treasurer of the State with a statement under his hand and seal of the county, of the amount of money due for tuition from all such patrons as are exempt under the preceding section of this act in the county, according to the lists returned by the school trustees. And the Treasurer of the State is hereby

authorized and required to pay said amounts of money due from the patrons so exempt, out of the school fund derivable from taxation and created by the constitution of the State, and he shall distribute the same in manner and form as provided in the 6th section of this act.

Sec. 14. That the county treasurer of each county shall give bond with two or more securities, payable to the county, in twice the amount of the school fund to which his county shall be entitled, so soon as the Chief Justice shall be notified by the Treasurer of the State, of the amount to which his county is entitled, which bond shall be conditioned that he will well and faithfully keep an account for the money to him committed as a school fund for his county, and pay out the same only upon the order of the Chief Justice of the county, under his hand and the seal of the county court. He shall also enter into a bound book to be kept by him for that purpose, all moneys received, all moneys paid out, and to whom and when paid, and register and number all orders by him paid or accepted to be paid, which book, together with said orders, shall be by him exhibited at his annual settlement with the county court. That after the year eighteen hundred and fifty-four, his said bond shall be renewed, between the first and tenth of September of each year; that all suits upon such bonds shall be in the name of the county, and in other respects they shall be governed by the laws relating to the bonds of county treasurers.

Sec. 15. That the trustees of each school district shall be elected annually after the year eighteen hundred and fifty-four, on the first Monday in September, in the manner herein provided; that they shall be a body corporate and politic, by the corporate name of the Trustees of Common School District No. —, (filling the blank with the number of the district,) and for the purposes for which they are created, may sue and be sued, hold and dispose of property, and do such acts and things as are incidental and necessary to the performance of their duties.

Sec. 16. That the Treasurer of the State shall be ex-officio Superintendent of Common Schools in this State, and it shall be his duty, immediately after the first day of September in each and every year, to record the abstracts of children of lawful

age in the different counties, and apportion the moneys as herein contemplated, distributing to the several counties the amount to which each is entitled, according to its scholastic population, ascertained in the manner herein prescribed, and also for the amount due for the tuition of children exempt from tuition fees; and it shall further be the duty of the Treasurer of the State to provide the necessary record books, to be by him kept exclusively for recording abstracts, as herein contemplated, and keeping a full and perfect account of all investments and moneys belonging, or in any way appertaining, to the Common School Fund of this State, and all apportionments and distributions of money by him made for common school purposes; and he shall report to the Governor annually, on or before the 1st day of October, the condition of the common school fund, and also make to each regular session of the Legislature such suggestions in relation to the common school system as may be deemed advisable, that the fiscal scholastic year shall commence on the 1st day of September, and end on the first day of August in each and every year, from and after the 1st day of September next.

Sec. 17. That it shall be the duty of the chairman of the board of trustees for each school district, to present, at least once a year, his application to the Chief Justice of his county for such amounts of said fund as his district may be entitled to receive, according to the number of children between the ages heretofore prescribed within his district, and also present his application to the Chief Justice annually for the amount of money due his district for the tuition of children exempt from tuition fees; and the said Chief Justice, having duly informed himself that the same is correct, shall draw upon the county treasurer an order, under his hand and seal of the county court, for the amount or amounts so due and demanded.

Sec. 18. That nothing in this act shall prevent the trustees of any school district, after being instructed by the majority of the patrons of schools in such district, from employing the teacher of a primary department in any college or academy, and converting such primary department into a common school for such

district: and that this act take effect from and after its passage.
Approved January 31, 1854.¹

CIRCULAR

TREASURER'S OFFICE, AUSTIN, TEXAS,
MARCH 1ST, 1854.

To School Officers:

The law passed by our last Legislature, entitled "an act to establish a system of schools," is the beginning point for a system of education for our State, the success of which mainly depends upon the prompt and strict performance of their duties by the officers who are named in the law to carry it into operation.

The 16th section of the law makes the State Treasurer ex-officio Superintendent of Common Schools in this State; and, although not in words, yet implicidly, requires that he should take such steps as will facilitate the operation of the law. For this purpose I have caused a correct copy of the school law to be issued in this pamphlet, and following, make such suggestions as I think duty points out, and furnish such forms as in my opinion will aid officers in the administration of the law, and make their duties less difficult of performance.

The first duty named in the law is directed to the Chief Justices and County Commissioners, requiring of them to form their respective counties into school districts of convenient size, and numbering each district so as it shall be known by its appropriate number. In order that the Assessors and Collectors may be enabled to perform the duties assigned to them by section 5th of the law, it would be advisable that the districts be formed and numbered at as early a day as possible, otherwise a failure may occur in taking the census of the children in time for an apportionment of the school money for the present year. After the formation of districts, the establishment of schools depends almost entirely upon a faithful discharge of their duties by the Chief Justice and County Commissioners, in the ordering of elections for trustees, and the appointment of presiding officers

¹*Laws of Texas; Fifth Legislature, 17-21; An Act to Establish a System of Schools, Together with Instructions and Forms for the Use of School Officers, 5-9.*

for each district; and it is to be hoped they will appreciate the importance of prompt action in those matters.

The 5th, section of the law makes it "the duty of the Assessor and Collector of each county in the State, during the year 1854, and every year thereafter, to make out a list of all the free white population in his county between the ages of six and sixteen years, particularly designating the number of persons between such ages in each school district, and transmit the same under his hand and official signature to the county clerk of the county, and a certified copy thereof to the Treasurer of the State, on or before the 1st day of July in each and every year". For this duty, which will undoubtedly require much time and labor, no provision was made by the Legislature for remunerating the Assessor and Collector, but I am satisfied that the next Legislature will make an appropriation to pay liberally for the service. It will be the pleasure as well as the duty of this office to call the attention of the Legislature to this subject, and in the meantime I hope that no Assessor and Collector will fail to perform willingly and faithfully the duty placed upon him. I appeal to those officers, and, in fact, to all who have duties assigned them under the School Law, to let no pecuniary considerations influence them, but with true patriotism, each and all, will be zealous in carrying into effect its several provisions, and it is to be hoped that all of its requirements will be complied with, as upon them depend the value and benefit of the system.

The law, it is presumable, will be found imperfect in some respects—it may want in specification and detail—it may prove partial and unequal in its operations, and in order to get at its defects, if any, and have them remedied, I would respectfully request the Chief Justice of the several counties, in their annual statements to this office, to make full reports, with such suggestions and recommendations of alteration and addition, as in their opinion the system requires, to the end that this office in its reports to the Legislature, may make such suggestions as may be deemed advisable to remedy defects, as well as for a more ex-

tended plan of operation, and the full development of our education resources.

Very respectfully,

Your obedient servant,

JAS. H. RAYMOND,

State Treasurer and Ex-officio Sup't
Common Schools.¹

FIRST REPORT OF THE EX-OFFICIO SUPERINTENDENT

TREASURER'S OFFICE,
AUSTIN, NOV. 10, 1854.

To His Excellency, E. M. Pease, Governor of the State:

Sir:—The "Act to establish a system of Common Schools," makes it the duty of the Treasurer of the State to "report to the Governor annually, on or before the first day of October, the condition of the Common School fund." This duty, on my part, has been delayed this year, owing to the failure of a large number of Assessors and Collectors in making their returns to this office, on or before the first day of July, as they were required to do by law, of the census of the scholastic population of their respective counties. In fact when the time arrived under the law, the first of September last, for the first distribution of the money, but about one half of the Assessors and Collectors had complied with the requirements of the law. Deeming it impracticable to make a distribution, under such circumstances, I, on the first day of September, sent a circular letter to the Chief Justices of all the counties to the effect that owing to the facts above stated, the distribution of the School money would be delayed until the first of this month, and urging the Chief Justices of those counties from which no returns had been made to adopt some course that would ensure the returns here by the 1st inst. Notwithstanding this long delay, there are still eleven counties from which no returns have been received, and the scholastic population of which I have been compelled to estimate in order to make such a distribution now as the law seems to require. The basis adopted for estimating the counties not re-

¹An Act to Establish a System of Schools Approved January 31, 1854, Together with Instructions and Forms for the use of School Officers, 3-4.

turned, was taking the poll taxes of such counties and comparing them with some adjoining county, or some county, the situation of which was considered as parallel in increase of population.

The amount of the Special School Fund in the Treasury for distribution, up to the 1st day of September, 1854, is \$41,666 67. This amount is the interest upon the \$2,000,000 U. States Bonds, set aside for a permanent fund, from the 31st day of January, 1854, (the date of the approval of the "act to establish a system of Schools") to the first day of July, 1854; one of the dates the semi-annual coupons upon the Bonds, are due and payable.

The sum of \$40,587 06 is taken for distribution, reserving in the Treasury \$1,079 61 for the payment of contingent expenses, incident to the law, and to correct and supply deficiencies, if any, in the counties where the No. of children (for want of returns) have been estimated. Any balance not required to meet expenses, or to make up deficiencies, will be transferred to the Special School Fund for 1855, as also, any amount that may be retained from counties where the estimate proves to be above the returns, when received.

The amounts set aside for counties where the Assessors and Collectors have failed to return the No. of scholastic population, will be reserved and held in this office, until the returns are made, at which time the estimated amounts will be substituted by the amount found due, upon the returns, which will then be paid in accordance with the provisions of the law.

As a part of this report, I transmit to your Excellency, accompanying this, an abstract statement, showing the number of children in each county, as per returns and estimates, and also the amount due each county, under the pro-rata distribution provided for by the Common School law.

I have the honor to be,

Very respectfully, your ob't ser't.

JAS. H. RAYMOND,

Treasurer and ex officio Sup. of C. S.

STATEMENT OF THE DISTRIBUTION OF THE "SPECIAL SCHOOL FUND" FOR THE YEAR ENDING 1ST SEPT. 1854.

County	No. of children returned	No. of children estimated	Amount due	Remarks
Anderson,	984		\$ 610 08	
Angelina,	352		218 24	
Austin,	722		447 64	
Bastrop,	878		544 36	
Bell,	689		427 18	
Bosque,		190	117 80	ass't not rec'd
Bexar,	1,449		898 38	not rec'd
Bowie,	498		308 76	ass'ed to
Brazoria,	361		223 82	be same
Brazos,	231		143 22	as Corry-
Burleson	517		320 54	ell.
Burnet,	337		208 94	
Caldwell,	574		355 88	
Calhoun,	319		197 78	
Cameron,	945		585 90	
Cass,		1,165	722 30	Poll tax
Cherokee,	2,400		1,488 00	677, ra-
Collin	1,342		832 04	ted by
Colorado,	524		324 88	Harrison
Comal,	633		392 46	co'y.
Cooke,	396		245 52	
Corryell,	190		117 80	
Dallas,	1,219		755 78	
Denton,	472		292 64	
De Witt,	432		267 84	
Ellis,	504		312 48	
El Paso,	610		378 20	
Falls,	288		178 56	
Fannin,		1,285	796 70	PT 677 rated by Lamar
Fayette,		1,237	766 94	PT 758 rated by Bastrop Co.

County	No. of children returned	No. of children estimated	Amount due	Remarks
Fort Bend,	.	307	190 34	PT 227 rated by Brazoria.
Freestone,	634		393 08	
Galveston,	477		295 74	
Gillespie,	417		258 54	
Goliad,	291		1,800 42	
Gonzales,	856		530 72	
Grayson,	1,453		900 86	
Grimes,	754		467 00	
Guadalupe,	711		440 82	
Harris,		1,250	775 00	Est. by A
Harrison,	1,268		786 16	&C as per
Hays,	206		127 72	letter
Henderson,	545		337 90	
Hidalgo,		312	193 44	Poll tax
Hill,	279		172 98	250, rated
Hopkins,	1,162		720 44	by Cameron
Houston,	796		493 52	co'y.
Hunt,	933		578 46	
Jackson,	278		172 36	
Jasper,	571		354 02	
Jefferson,	299		185 38	
Johnson,	249		154 38	
Karnes,	168		304 16	
Kaufman,	521		223 02	
Kinney,				Not organized.
Lamar,	1,016		629 92	
Lavaca,	664		411 68	
Leon,	544		337 28	
Liberty,	456		282 72	
Limestone,	573		355 26	
M'Clellan,	336		208 32	
Madison,	289		179 18	
Matagorda,	290		179 80	
Medina,	204		126 48	

County	No. of children returned	No. of children estimated	Amount due	Remarks
Milam,	333		206 46	
Montgomery,	381		236 22	
Nacogdoches,	1,261		781 82	
Navarro,	830		514 60	
Newton,	485		300 70	
Nueces,	466		288 92	
Orange,	203		125 86	
Panola,	1,057		655 34	
Polk,	480		297 60	
Presidio,				Not organized.
Red River,	782		484 84	
Refugio,	211		130 82	
Robertson,	392		243 04	
Rusk,		3,865	2,396 30	Poll tax 1,496,
Sabine,	423		262 26	rated by
San Augustine,	622		385 64	Cherokee
San Patricio,		211	130 82	ass't rolls not received
Shelby,	834		517 08	Same as
Smith,	1,765		1,094 30	Refugio.
Starr,		509	315 58	280 poll tax,
Tarrant,	582		360 84	rated by
Titus,	1,031		639 22	Nueces
Travis,	856		530 72	county.
Trinity,	218		135 16	
Tyler,	641		397 42	
Upshur,	1,271		788 02	
Uvalde,				Not organized.
Van Zandt,	565		350 30	
Victoria,	461		285 82	
Walker,	776		481 12	
Washington,	1,310		812 20	
Webb,		247	153 14	Poll tax
Wharton,	127		78 74	136, rated by

County	No. of children returned	No. of children estimated	Amount due	Remarks
Williamson,	845		523 90	Nueces county.
Wood,	571		354 02	
	<hr/> 54,885	<hr/> 10,578	<hr/> 40,587 06	
	<hr/> 10,578			

Total Children, 65,463—40,587 06; 62 cents per child.¹

RESULTS FROM THE COMMON SCHOOL LAW OF 1854 AND 1855

The Treasurer, who is made ex-officio Superintendent of Common Schools, reports Nov. 10th, 1854, the number of counties from which returns have been received of the number of children in each. Out of the 100 counties in the State at that time, eleven had failed to make any returns up to that date. But the Treasurer made estimates for the children in these 11 counties, showing that the whole number of children of scholastic age, was 65,463 in the whole State. The total amount of the Common School fund for distribution was only \$40,587.06, after deducing for expenses, and this gave but 62 cents for each scholar for the year. The counties that did not establish schools under the law did not therefore receive their *pro rata* share of the money, are still entitled to receive their money, which is retained in the Treasury for them. Galveston county reported 477 children, and was entitled to \$295 74. Cherokee reported the largest number of all the counties, namely: 2400 children. The amount paid to counties was \$26,742 14, and the amount subject to be called for by other counties was \$13,921 30.

The Treasurer in his next report, dated Oct. 1st, 1855, gives the Schools Fund for that year, namely: the interest on \$2,000,000 U. S. bonds for one year, or \$100,000, and the amount transferred from School Fund of previous year, or \$607 91,

¹Texas State Gazette, November 18, 1854.

making in all \$100,607 91. Only 74 counties had made returns, and in these there had been an increase in the number of children to the amount of 5 per cent, and by adding 5 per cent. to the number of the previous year, the Treasurer obtained an estimate of the children in the counties not returned. The total number of children in the counties by returns and by estimate, for 1855, was 66,150, between whom \$100,607 91 being divided, gives \$1.50 to each child. Galveston county is estimated to have 505 children for the year 1855, and was entitled to \$757.50 as her share of the School Fund. Cherokee again returned the largest number of children of any county in the State, the number being 2403. This law being thus found on trial, not to answer the end proposed, another law was passed at the last adjourned Session.¹

STATE SUPERINTENDENT RECOMMENDED BY
EX-OFFICIO SUPERINTENDENT

.....

First of all, I recommend that there be created the office of public school superintendent, with corresponding salary and ascribed duties, among which would be the visiting of the various counties, speaking publicly on education at opportune times, the formulation of policies, and the instruction of the employees in their duties. To such an officer would be intrusted the general administration of the school system, together with the necessary power to insure its success.

Without a public official of this kind, there are no means of introducing into our schools the improvements of the century in the art of instruction and education of the children, and it must be confessed that in the science of directing the institutions of elementary instruction, we do not possess the necessary knowledge—we are inexperienced and very much behind the times.

It might be thought that this recommendation is made in order to remove from this office the task that is required of it at present: such is not the case: it is made solely from the conviction, that the office of school superintendent cannot properly be discharged by a person whose official duties, as the chief execu-

¹*Texas Almanac*, 1857, 140.

tive of the government, necessarily occupy the greater part of his time.

Education is undoubtedly of sufficient importance to justify the employment of a competent person whose entire time and attention might be devoted to promoting its interests in our state.¹

.....

MESSAGE OF GOV. E. M. PEASE

November 5, 1855

*Gentlemen of the Senate
and of the House of Representatives.*

.....

Your attention is invited to the annual report of the State Treasurer as Ex-officio Superintendent of Common Schools, for the years 1854 and 1855, which are transmitted herewith.

It will be seen from these reports, that very few of the county officers, to whom duties are prescribed under the School Law, have performed them in accordance with its provisions. This neglect of these officers has rendered it impossible for the Treasurer to perform his duties under the law, at the time and in the manner required. He has, however, with my concurrence, prevented an entire failure of the law, by coming as near a compliance with its provisions as was possible, under the circumstances.

The number of children in the State between the ages of six and sixteen years, as ascertained by the reports of the assessors and collectors who have made returns for the year 1855, and by the estimate of the Treasurer for those counties that have failed to make returns, is 66,150; and the annual distributions of the fund gives for each scholar one dollar and fifty cents.

The School Law has proved to be defective in its details and entirely unsuited to our condition. I was not satisfied with

¹*Relacion del Tesorero del Estado de Tejas, Superintendente de Oficio de las Escuelas Publicas*, November 1855, 23-24. Translated by Jeferson Rea Spell.

it when it passed, but gave it my approval because it created a liberal fund, and attempted to do something towards the establishment of schools.

These reports show that but few of the counties have organized and established schools as required by this law; in most of them the population is sparsely scattered over a great extent of territory, which cannot be divided into districts containing a sufficient number of children for the maintainance of a school, without making the districts so large, that the school must necessarily be at an inconvenient distance from a large portion of the scholars; this, without doubt, has prevented and will continue to prevent, the execution of a law like the present until our population becomes more dense.

We should not be deterred by the failure of this attempt.— Let us amend the present law by imposing heavy penalties upon those assessors and collectors who fail to make a return of the number of scholars in their county within the time prescribed, and in lieu of that part of the present law which requires a division of the counties into districts, let us declare all schools that may be kept in the State public schools, and allow the fund distributed to each county, to be distributed under the orders of the county court, to such teachers as the parents and guardians of the children may choose to employ for their education.

This plan, I am satisfied, is better adapted to our present situation than any other which can be devised, and I believe it will be much more acceptable to the people than that provided for by the present law.

As our situation changes, some other system more suited to our wants will no doubt suggest itself and can then be adopted.

A reference to these reports will show that there is now in our Treasury about one hundred and twenty-four thousand dollars, which has accumulated from the one-tenth of the annual revenue set apart by the constitution for the support of schools, fifty three thousand of which has already been invested in United States five per cent bonds. I recommend that the residue be also invested in like manner, that the whole be added to the two million school fund, and that hereafter this tenth,

together with the income of that fund, be annually distributed as directed by the school law.

By this means, the annual amount applied by the State, for the support of schools will be about one hundred and twenty thousand dollars, which will be gradually increasing as our revenue from taxation increases.

The school fund may be greatly increased by a judicious use of the four leagues of land that have heretofore been granted to each county of the State for public schools.

It is questionable whether these lands will ever accomplish much good, if they are allowed to remain in the possession of the counties, for it appears from information furnished by the commissioner of the General Land Office, that but 945,181 acres, of the 1,753,488, to which the ninety-nine counties of the State are entitled, have yet been selected. Forty one counties only have selected their full amount, twenty have selected 227,989 acres of the 354,240, to which they are entitled, and thirty eight have made no selections, so that 799,307 acres yet remain to be selected. Nineteen of the counties which have made no selections were organized in 1846 or previous to that time, six were organized in 1848 and thirteen were organized at different periods between the years 1849 and 1854.

It is reasonable to expect that those who have neglected, for so long a period, to avail themselves of these liberal grants of land, will not hereafter manage them with that care and attention that will be required to realize their full value.

It is unfortunate that these lands were not, at first, set apart to be managed by the State itself, as a general fund for the common benefit of all counties, for they would have been selected long since, in sections of the State where their value would have greatly increased by the settlements since made.

They would, without doubt, be much better managed by the State than by the counties, for they could be placed under the control of a single officer, whose special duty it would be to superintend them, attend to their survey and sale, whenever it might be deemed advisable to bring them into market and invest their proceeds, instead of being under the management of the officers of ninety-nine different counties, who are too

remote from the lands and too much occupied with other official duties to give much attention to them.

It will be found that those States of the Union, which have retained the lands granted to them by the general government for schools and made them a general fund for the whole State have realized far more benefit from them than those who have left them to the control of the different townships in which they are situated.

I suggest for your consideration, whether it would not be well to propose an amendment to our Constitution, declaring that all of these grants shall be vested in the State to be administered as a common fund for the benefit of all the counties, and sold from time to time, under the direction of the legislature, at not less than a minimum price, after they shall have been subdivided into small tracts; the proceeds of such sales to be added to the present school fund, and the income thereof to be applied in the same manner as the income of the present fund.

If this disposition were made of them, they would, in a few years, add at least three millions of dollars to our present school fund.

Should these suggestions not be acceptable to you, then I recommend an amendment to the Constitution similar to that proposed to the last legislature, which was, that the counties should be authorized to sell these lands at not less than a minimum price, the proceeds of each sale to be kept as a fund, and the income applied to the support of schools.

By the adoption of either of these amendments, these lands would soon be made available, while under the present provisions of the constitution, which only authorize them to be leased for a term not exceeding twenty years, they are entirely useless for the purpose which they were granted, because in a country where land is so cheap as it is here, unimproved lands cannot be leased for so short a period, so as to produce any revenue.

I invite your attention to the importance of establishing a State University, which shall afford to our youth all those opportunities for obtaining a liberal education, that are to be found in any part of the Union.

We cannot appreciate too highly the advantages of educating our children within the reach of parental authority, where they can daily witness the practical operation of our government, its institutions and laws, and become familiar with the habits and sympathies of the people with whom they are destined to associate in after life.

To secure these advantages is worthy of an effort on the part of the State, and I recommend that the sum of three hundred thousand dollars of the United States bonds, now in our Treasury, be appropriated as a permanent fund, to be increased by the proceeds of the gradual sale of the University lands, at not less than a minimum price, after they shall have been subdivided into small tracts, and that the income of this fund be applied to the erection and support of such an institution.

This will enable us in a few years to erect the necessary buildings, employ professors in every branch of literature and science, and place the institution on a sure basis for future prosperity and usefulness.

While upon this subject, it is proper I should inform you that a portion of the University lands have not yet been selected, and I suggest that a sufficient appropriation of money be made to pay the expenses of selecting and surveying them.

I also call your attention to the necessity of establishing an Asylum for Lunatics. If we had such an institution in our midst, where those who are afflicted with insanity could be promptly placed under the care of persons skilled in its causes and treatment, a large portion of those unfortunate persons might be restored to reason, and the condition of all greatly alleviated.

We also need an institution for the education of the deaf, dumb and blind, where these unfortunate classes may be taught their duties and responsibilities as citizens, and made useful members of society.

Institutions of this character are necessary in every community, but they cannot be founded and supported without the care and patronage of the State.

I therefore recommend that two hundred and fifty thousand

dollars of the United States bonds, now in our Treasury, be appropriated as a permanent fund for an institution for the education of the deaf and dumb and blind, and that provision be made for the erection of these institutions as soon as the income of these funds will permit.

If we would create and encourage among our citizens a spirit of independence and attachment for their own State, we ought to furnish them at home with all those facilities for improving and ameliorating their mental, social and physical condition, which are to be found in other parts of the world. We now have the means of doing this without imposing any enormous burden upon our citizens, and if we neglect to avail ourselves of this opportunity, we shall be justly charged with being unmindful of the high duties and responsibilities that rest upon us.¹

AN ACT MAKING APPROPRIATIONS FOR THE USE AND SUPPORT
OF THE STATE GOVERNMENT FOR THE YEARS
1856 AND 1857.

PENITENTIARY.

.....
Section 3. That one-tenth of the annual revenue of the State arising from direct taxation, is hereby appropriated, and set apart for educational purposes.
.....

Approved 4th of February, 1856.²

HOUSE DOCUMENT.—INTERNAL IMPROVEMENT COMMITTEE
REPORT ON BILL FOR THE INVESTMENT OF THE
SPECIAL SCHOOL FUND IN THE BONDS OF
RAILROAD COMPANIES, 1856.

COMMITTEE ROOM,
JANUARY 16th, 1856.

Hon. H. P. Bee, Speaker of the House of Representatives.

The Committee on Internal Improvements, to whom was referred a Senate Bill to provide for the investment of the Special

¹*Reports of the State Treasurer of the State of Texas 1855, 9-16; Message of the Governor of the State of Texas, to the Sixth Legislature, 1855, 8-13.*

²*Gammel's Laws of Texas, Vol. 4, (241); General Laws of the Sixth Legislature of the State of Texas, November 5, 1855, 61;*

School Fund in the Bonds of Railroad Companies, incorporated by the State, have maturely considered the same. In connection with this subject, your committee have had under consideration, several other projects which were offered with the view of promoting both the great objects of Internal Improvement and Education. The Majority of your Committee have constantly kept in view the necessity and propriety of making both these questions of such vital importance to the people, go hand in hand as a support to each other, believing that such a measure can be established and carried out, as will prove eminently a wise and judicious system of State policy.

The bill referred to your Committee seeks to provide a permanent and profitable investment of the Special Fund, and, at the same time, afford such incidental aid to our corporate system of Railroads as the present limited amount of the fund will permit, and to form a unison of interests between the two great branches of modern progress—Education and Internal Improvements, which, if steadily adhered to, must, in the opinion of the Committee, result in producing all the advantages the friends of both so ardently desire. The augmentation of our School Fund, will, under the combination of interests, cause a rapid and well directed extension of our Railroads, in all parts of the State where such improvements are required, while they will afford the safest and most profitable investment of the fund. It would be superfluous at this time, to enter into an argument in favor of a liberal, wise and efficient system of education. Its importance is admitted by all. It is, therefore, only necessary to consider the best mode of raising and presenting the means to establish, extend and perpetuate it. The fund which is at present available, for that purpose, is \$2,000,000, producing an income, at five per cent. per annum, of \$100,000.

The bill proposes to loan this sum to Railroad companies at six per cent. per annum, secured by a first mortgage and lien on their roads, together with the cars, engines, depots, &c., &c. The fund thus invested will produce an income of one hundred and twenty thousand dollars annually, for the proposed term of the loan—ten years—including interest accruing on the in-

terest annually, the sum of about two hundred and fifty thousand dollars, more than the fund will produce as at present invested.

Therefore, for the five years this fund has remained idle in the Treasury, it might not only have been made to produce one hundred and twenty-five thousand dollars more than it now amounts to, but to set in motion our system of Railroads, and to have given them such an impetus, that at this time they would be extending from our Eastern and Gulf borders far toward the interior.....

If we suppose the State may realize from the sale of lands thirty millions of dollars, in the course of thirty years, this sum loaned to Railroad companies at six thousand dollars for every mile of road completed, would encourage and aid in the construction of five thousand miles of railroad, and produce an income of one million eight hundred dollars per annum, to be directly applied to the education of the children of the State.

.....

The above estimate of resources, moderate amount of sales, and length of time given, it will be conceded by every reflecting mind, are amply sufficient to show that Texas may adopt the most liberal policy in promoting the settlement and sale of her lands, and yet realize a fund for Education and Internal Improvement purposes which will place her far ahead of any of her sisters of the Union. While the proposed policy promises such surprising results and vast advantages, it avoids what every statesman ought always to avoid as far as circumstances permit the possibility of levying a tax on the people, or industry of the country, either for Education or Internal Improvements.

.....

This policy is treated so ably in the Senate's "Committee on Education", that your Committee adopt and incorporate it in part in this report, and coming as it does from a Committee especially charged with the guardianship of the School Fund, it deserves, and doubtless will receive, the most careful consideration.

The report says: "Texas is unable yet to establish such a School Fund as the necessities of her citizens require, and at the same time meet public expectation in giving assistance to Railroads. But she may use her present means on hand to great advantage, both for the benefit of schools and Railroads, by pursuing the policy prescribed in the bill presented.

The sum of two millions of dollars has already been set aside as a School Fund, but no friend of Education, it is presumed, would advise that this Fund should itself be appropriated and expended for the support of Schools. Such a policy would very soon exhaust the principal, and have nothing to operate upon. But if the principal is invested or placed at interest, the Fund becomes a permanent one, yielding annually a support for such system of Schools as may be adopted. And it is believed that no permanent School System can ever be established without such a course; for the moment that you commence using from the principal it must gradually diminish until completely exhausted. Every State in the Union which has any permanent School Fund, has the principal invested in Bank Stock, Deposits, Loans on Lands, Bonds, or in some other manner, so as to yield an annual interest.

"The Committee is well satisfied that Texas can pursue no better course with her Education Fund, than to invest it in the Bonds of her own Railroad Companies, in the manner provided by the proposed bill. It is believed that the investment will be safe, and at the same time highly beneficial to the best interests of the State.

"The amount proposed to be loaned is less than one third of the usual cost of the cheapest Southern Road, and less than the actual cost of the iron upon the Road, and is secured by the first and preference lien on the entire Road, and all the property of the same.

.....

"But it may be contended that as this Fund is already invested in United States Bonds, it ought not to be otherwise invested. In answer to which, it must be recollected that the time is rapidly passing to which these Bonds are limited, and in a few years we shall be compelled to seek some other in-

vestment, or to keep the money as dead capital, without any income whatever for the support of Schools. But were such not the case, the Committee can see no plausible reason why Texas should hold the bonds of the United States Government, bearing only five per cent. interest, so as to develop her own resources and advance her own prosperity..... Every State in the Union which is now enjoying the benefits of a general system of Railroads, has secured them only by granting State aid in the most liberal manner. While Texas is not able to make an immediate appropriation sufficient for building her Railroads, and at the same time support her Schools by separate and distinct Funds, it is earnestly believed that by a judicious management of her School Fund, she may greatly benefit Roads, and also support her Schools. And if it shall be found that this policy will operate well it is believed that the friends of Education and Internal Improvements will be induced to do all in their power to increase the present Fund to a much larger amount, by adding to the same all surplus means which Texas may from time to time have subject to appropriation, until the Fund can thus be made large enough to yield a sufficient interest to support a School System of the most liberal character.

“And thus would Texas encourage the construction of Railroads within her limits, by the investment of her School Fund, and at the same time have the proud satisfaction of seeing her Schools supported and upheld by an annual and certain income from her Roads; and thus would the causes of Education and Internal Improvements become handmaids in advancing the prosperity and greatness of the State.”

.....
Therefore, moved by the foregoing considerations, and believing that a loan of the school fund, with the guards incorporated in the bill, will be a safe investment, and that it will greatly aid and encourage our own citizens to engage and persevere in works of Internal Improvements in our own State, your Committee have instructed me to report the bill back to the House,

with the accompanying amendments, and most earnestly recommend its passage.

.....
 J. W. THROCKMORTON, Chairman.¹

STATE SUPERINTENDENT ADVOCATED

REPRESENTATIVE SMITH

.....

Mr. Smith of Harris, by leave of the House said—I am not in the habit of explaining my position at this stage of a bill. But I must beg the indulgence of the House on this occasion for a very short time—not four minutes by the clock—while I give the reasons why I shall vote for this bill, although it comes very far short of being what I should have preferred.

I do not believe that any school act, any law for the establishment of common schools, will ever be carried into efficient operation in this State until we shall have, under some name or other, a superintendent of common schools, whose duty it shall be to visit every district in the State, to collect statistics, find where the law shall fail to act well, and submit his report to the Legislature.

I have not pressed that subject upon the House, because I have been satisfied that the House would not adopt such a provision. Still I wish to make a matter of record of my opinion upon that subject.²

.....

AN ACT
 PROVIDING FOR THE SUPPORT OF SCHOOLS

Section 1. *Be it enacted by the Legislature of the State of Texas*, That the Treasurer of the State be authorized and required to transfer to the General or State account, the specie now in the Treasury, to the credit of the General School Fund

¹Journal of the House, Sixth Legislature, 401-412.

²State Gazette Appendix, August 26, 1856, 229.

account, and replace the same from the one million five hundred and seventy-five thousand dollars. United States Bonds, now standing to the credit of the State account; and it is hereby made the duty of the Treasurer, annually on the first day of July, in each year, to transfer the specie then standing to the credit of the School Fund, received from one tenth taxes to State account, and replace the same with United States bonds from the State account, unless otherwise provided by law; that the Special School Fund of two million dollars, created by "An act to establish a system of schools", passed January 31, 1854, and that the General School fund, derivable from one-tenth taxes, be, and at the same time are blended and made one, and the interest arising from the United States Bonds, constituting said fund, and the interest arising from all monies set aside for school purposes, be, and the same is hereby appropriated to the respective counties, for the use and benefit of the children of said counties, between the age of six and eighteen years, as herein provided.

Sec. 2. It shall be the duty of the Assessor and Collector of each county in the State, during each and every year hereafter, to make out a list of all the free white population in his county, between the ages of six and eighteen years, and transmit the same under his official signature to the County Clerk of the county, and a certified copy to the Treasurer of the State, on or before the first day of July in each and every year.

Sec. 3. That it shall be the duty of the Clerk of the County Court to file and preserve in his office the list aforesaid, furnished by the Assessor and Collector. It shall be the duty of the Treasurer of the State to ascertain from the abstracts transmitted to him by the Assessor and Collector, the aggregate population between the ages of six and eighteen years. And the fund appropriated by this act shall be apportioned among the different counties in the State, according to the number of scholastic population in each county, subject to the order of the County Courts, and payable to the respective county treasurers, upon the order of the County Court, under the hand of the Chief-Justice and seal of the Court, or such amount be placed to the credit of the Assessor and Collector of Taxes of

such county, upon his payment into the Treasury of his county, the amount so appropriated to such county, and filing the receipt of the county Treasurer acknowledged by the said Treasurer before the Clerk of the County Court, and by the said Clerk, duly certified under his hand and the seal of his Court, with the Treasurer of the State.

Sec. 4. That it shall be the duty of the County Court, annually, to apportion the said school fund among the children between the ages of six and eighteen years, who may attend any school in their respective counties, in proportion to the time that each child has been taught, upon the teacher's filing with the County Clerk, an affidavit, signed and sworn to by himself, before some officer authorized to administer oaths as to the number of children taught, and the time they received instruction. And said schools are hereby declared "free public schools"; provided, that no child whose entire tuition has been paid, shall receive any money under the provision of this section.

Sec. 5. That the teacher of each school shall be required to keep a day book, and at the close of his term of teaching shall furnish the County Court with a tabular statement of the names of all the patrons and pupils of the school, the number of pupils sent by each person, and the number of days each pupil attended school which statement shall be supported by his affidavit, made before some officer authorized to administer oaths, that the same is true and correct. And he shall further make affidavit, supported by the certificate of two responsible house-holding patrons of his school, that he has taught said school for a period of not less than three months. And upon his failure to make said report, he shall forfeit all claim for compensation for services rendered under this act.

Sec. 6. That the County Treasurer of each county shall give bond, with two or more securities, payable to the county in twice the amount of the school fund to which the county shall be entitled, as soon as the Chief-Justice shall be notified by the Treasurer of the State, of the amount to which his county is entitled, which bond shall be conditioned, that he will well and faithfully keep an account of the money to him committed, as

a school fund for his county, and pay over the same, only upon the order of the Chief-Justice of the county, under his hand and the seal of the County Court. He shall keep an accurate account of all monies received and paid out by him, to register and number all orders by him paid or accepted, to be paid. He shall between the first and tenth of the fiscal month of the Treasury of each year, renew his bond; and all suits upon such bonds shall be in the name of the county, and in other respects they shall be governed by the laws regulating the bonds of county Treasurers. If any person or patron of any school is unable to pay his tuition, and the teacher shall be satisfied of the fact, it shall be the duty of said teacher to make out a list of all such patrons together with the amount of money due from each for tuition, and forward the same under oath to the Chief-Justice of the County.

Sec. 7. The Treasurer of the State shall be ex-officio Superintendent of Schools. It shall be his duty, after the first day of the fiscal month, in each and every year, to record the abstracts of children of lawful age in different counties, apportion the monies as herein contemplated, distributing to the several counties the amount to which each is entitled, according to its scholastic population. And it shall be the duty of the Treasurer to keep correct account of all the monies and matters appertaining to the school fund, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, distribution of monies, and such suggestions in regard to the School System as may be deemed advisable. That the fiscal scholastic year shall commence and end upon the fiscal year of the State Treasury. That the County Court of each County, after ascertaining that the patrons returned are unable to pay the tuition, shall make a return of the same to the State Treasurer, who, upon the order of the County Court, under the seal of their offices, in favor of the county, shall pay over to said County Courts their distributive shares of the interest of the School fund; and the County Courts on receiving the same, shall proceed to distribute the same, as required by this act; first providing for those children whose tuition has not been paid from inability of

the patrons; provided, that orphan children, and children of widows, who have no other or greater amount of property than is exempted from forced sale, be considered indigent.

Sec. 8. That the Assessor and Collector of each county, for the year 1856 and all succeeding years, shall receive for his compensation, for discharging the duties imposed upon him by this act, twelve cents per child for two hundred children and less; eight cents per child for all less than three hundred and more than two hundred; six cents per child for all less than four hundred and more than three hundred; five cents per child for all less than five hundred and more than four hundred; four cents per child for all less than a thousand and more than five hundred; three cents per child for two thousand and more than one thousand; two cents for all over two thousand. And should the Assessor and Collector refuse or fail to take and report the census of the children as required by this act, he shall forfeit the whole compensation allowed, and be fined not less than twenty-five nor more than one hundred dollars, at the discretion of the county court; and in case of failure from any cause whatever, of the Assessor and Collector, in making a report of the census of his respective county, to the County Clerk, on or before the first day of July, in each year, the County Clerk shall be authorized to appoint some suitable person to perform said labor, who shall be entitled to the same compensation as allowed to Assessors and Collectors, under this act; provided, he makes his returns by the first day of September following. Assessors and Collectors, or other persons appointed to take the census of scholastic population, shall not be entitled to compensation for their services, unless their returns are made within the time prescribed by this act.

Sec. 9. That the counties which have not heretofore received their share of the Special School Fund for either years 1854 or 1855 from failure to make returns of their scholastic population, shall be entitled to receive the same upon the following basis, to wit: Those counties that made returns for the year 1854, but not for 1855, shall be allowed an addition of five per cent to the returns of 1854, and the result be placed to the credit of such counties as their share of the fund for

1855. Those counties that made returns for 1855, but failed for the year 1854, five per cent shall be deducted from the return of 1855, and the result shall be placed to the credit of such counties as their share of the fund for 1854. Those counties that have failed entirely to make returns, shall upon their making due returns for some present year, be allowed a credit for the years so failing, by deducting from the number of children for the year returned, such annual percentage of increase as the aggregate returns of all the counties shown to be increase back to the year 1854. When the Assessor and Collector, or person appointed under the provisions of the previous section, shall fail to make and have on file in the Treasurer's office, by the first of the fiscal month of the Treasury, of each year, returns of the scholastic population of their respective counties, the census returns of such counties, for the previous year, shall be taken as the basis of distribution to such counties and the amount so set aside shall be paid to such counties without regard to returns that may be made to the Treasurer's office, after the date above mentioned.

Sec. 10. The Treasurer of the State shall send to each County Court and to each Assessor and Collector, a copy of this law, and require from each Court an annual report of the number of schools, the number of children, the disposition of the fund, and such other information as will give a correct idea of the condition of the schools.

Sec. 11. The provisions of this act shall only extend to such children as are actually sent to schools of the State. That no school shall be entitled to the benefits of this act unless the English language be taught therein.

Sec. 12. That all laws conflicting with the provisions of this act, be, and the same are hereby thus far repealed. And that this act take effect and be in force from and after its passage.

Approved, 29th August, 1856.¹

¹*General Laws of the Sixth Legislature of the State of Texas. Adjourned Session 1856, 107-112; An Act Providing for the Support of Schools, Approved August 29, 1856, with Instructions and Forms for the Use of School Officers, 3-7; Gammel's Laws of Texas, Vol. 4, (525-530).*

CIRCULAR

TREASURER'S OFFICE,
AUSTIN, NOVEMBER 17, 1856.

TO SCHOOL OFFICERS:

An Act of the Legislature, entitled "An Act providing for the support of schools," approved 29th August, 1856, materially changing as it does, the system of schools, provided for in an act approved January 31, 1854, entitled "An Act to establish a system of schools," makes it incumbent upon me as Ex-Officio Superintendent of Schools, to address you relative to the introduction of the new system in place of the old.

The law of 1854, required the counties to be divided into convenient districts, a board of three Trustees for each, and the special school fund received by each county, was to be held by the County Treasurer, for the benefit of each district in proportion to the number of scholastic population therein, payable to the chairman of the board of Trustees, whenever it was shown that section 8 of said law had been complied with. I am well satisfied that not one-fourth of the school districts in the State have complied with that section (8th) of the law, and received the fund, reserved for their benefit, and that the greater portion of the State funds distributed for the years 1854 and 1855, are still in the hands of the County Treasurers.

The act of August 29th, 1856, abolishes from and after its passage the district system, and dispenses with the board of Trustees, providing in their place, that all schools, the teachers of which comply with the provisions of sections 4th and 5th of said act, shall be "free public schools." All those districts which failed to establish and claim their pro rata of the school funds of 1854 and 1855, for want of a compliance with the law of 1854, before its repeal, are, in my opinion, prevented from being directly benefitted by it hereafter. None but the district Trustees were entitled to receive it from the county Treasurer, and if a district had no trustees previous to the repeal of the act, there can be no authority to claim or draw it hereafter. I would, therefore, suggest to the County Courts that all the school fund remaining in the county treasury, which cannot be claimed by districts properly organized under the act of 1854,

be thrown into a common fund, and distributed under the act of 1856. I see no other way for these retained funds to be legally distributed, and put to the use intended by the law of 1854.

I presume that in most of the counties, the annual election of Trustees was held on the 1st Monday in September last, as provided in the 15th section of the Act of 1854, and probably in many instances the Trustees have contracted with teachers for tuition for the ensuing year. Where such is the case, I see no necessity for the contracts to be rescinded, or the Trustees to give up their care over the school, provided, the patrons of the school are satisfied with the contract made with the teacher. The school can go on, and be conducted under the Act of August, 1856. The Trustees, with the consent of the patrons, having a supervision over the school, and seeing that the teacher complies with the requirements of sections 4 and 5 of said Act, so that the school may be entitled to its pro rata share of the school fund.

The Act of August 29, 1856, blends and makes one, the two funds known in the act of January, 1854, as the "General School Fund", and the "Special School Fund", and the interest accruing upon the United States Bonds, forming the principal of what is now known as "the School Fund," is to be distributed annually to the counties according to the scholastic population in each. This distribution will be made at this office on the 1st day of November of each year, (being the 1st day of the fiscal year of the State Treasury,) and when the funds are received into the County Treasury, the first duty of the County Court will be to provide for the tuition of children of such patrons as are unable to pay, as reported by the teachers of the different schools in the county; then the residue of the annual fund is to be apportioned among the children between the ages of six and eighteen years, who actually attend school, according to the time each child has attended, during the year. The law does not state who shall be entitled to receive the school money from the county Treasury, but the inference is that it is to be paid to the teachers. I apprehend, however, that difficulties will arise, in the employment of teachers, who will be unwilling to wait

until the close of each scholastic year, for all of their tuition fees, that will make it necessary for patrons, in engaging the services of a teacher, to become responsible for the whole amount of his fees, with occasional payments; and when such is the case, it would be for the interest of the patrons to see that the teacher complies fully with the provisions of the act of August 1856, in keeping his daybook, and making a tabular statement as required by section 5th, and the statement of exempt patrons as required by section 6. The patrons, then, by taking a receipt from the teacher, in full payment of his services, would be entitled, upon such receipt, to draw from the County Treasury the pro rata of the school fund; or a district or section of county wishing a school might contract with a teacher at a certain rate per month or session, which rate the patrons become responsible for, payable at certain stated times, and in addition give to the teacher the benefit to be derived from the State fund distributed to the counties, the amount of which to each scholar cannot be ascertained or paid until the close of the scholastic year. This course would be an inducement for teachers to comply strictly with the law; and the greater the number, and more constant attendance of scholars, the greater would be the reward of the teacher from the "school fund."

Unless one of the two plans indicated is pursued, I do not believe teachers can be employed to take schools under the provisions of the Act of August, 1856. They will require their pay, or at least part of it, before the close of a scholastic year. The school fund cannot be divided until the close of the year, when the tabular statements of all the teachers of a county are in the hands of the County Court, and then, and not till then, will be known the amount of the school fund going to each child for his or her tuition; and then, and not till then, will be known the balance of tuition, due by patrons to teachers, all will admit that teachers cannot be employed upon twelve months (or more) credit, and will see the necessity of pursuing the contract system, either based upon the responsibility of the patrons for the full amount of the teachers salary, with a condition of release on the part of the teacher for whatever State

school fund may result upon an annual distribution thereof, as due the school for the benefit of the patrons thereof; or upon the responsibility of the patrons for a stated salary, conditioned that the teacher shall be entitled to, and receive whatever amount may be found due at the end of the year from the State fund.

In most of the counties, I presume there are districts which have had schools in operation during the year 1856, where the Trustees have contracted debts for tuition, to be paid out of the school fund of 1856, distributed at this office on the first instant; where such is the case it will be necessary that the county courts distribute to such districts the amount they are entitled to, according to scholastic population, under the provisions of the Act of January 1854. Then the balance of the fund of 1856, as also the balance of the funds of 1854 and 1855, remaining in the county treasury, and which, under the act of 1854, were set aside for the benefit of each district according to its scholastic population, but which, for want of a compliance with the conditions of said law, many districts have never been entitled to draw from the county treasury, I would suggest, should be made a common fund for the benefit of "free public schools" under the act of August last. In my opinion, if county courts attempt any other distribution of the funds left in the county treasury, they will do so in violation of the Act of 1854, which requires the fund to pass alone from the county treasurer through the hands of the chairman of the board of trustees. In making these suggestions, I have no intention of confining the county courts to the plans suggested, provided they can see, and adopt any other legal mode of distribution, that will serve the interest of the "free public schools" better.

This office has held in reserve a sufficient amount of the "General school Fund" to meet the orders of the county courts for all amounts due the different counties, to the 31st of Oct. past, for and on account of the tuition of children of such patrons as are exempt from the payment of their share of the teachers salary, under the provisions of sections 12th and 13th of the act of January 1854; and Chief Justices in making

up their statements must certify that the amount reported is due for teaching prior to the 31st of October, 1856. For the tuition due by such patrons from and after said date, each county must provide out of the annual fund received by the counties from the State Treasury. In the Act of August there is a seeming inconsistency in regard to this matter. Section 1st consolidates, as I have before stated the two school funds known under the Act of 1854 as "General" and "Special" Funds, and appropriates the interest arising from the principal of the "School Fund" as directed in the 3d section, to be apportioned among the different counties in the State according to the number of the scholastic population in each county. This distribution or apportionment is to be made annually on the 1st day of November, and when made for any given year, exhausts, of course, all that is disbursable of the school fund for that year; but the act goes on, and in section 7th, says, "That the county court of each county after ascertaining that "the patrons returned are unable to pay their tuition (see last "clause of section 6) shall make a return to the State Treasurer, "who, upon the order of the county court(s) under the seal(s) "of their officers in favor of the county, shall pay over to said "county courts, their distributive shares of the interest of the "school fund, &c." This clause is a second and entirely different provision for the payment of the *same fund* to the counties, as provided in section 3d of the Act, and will therefore be treated as a nullity by this office. The annual fund once in the county treasury, under section 3d of the Act, the county court will be governed in its distribution, by first, providing for those children whose tuition has not been paid, from inability of the patrons, &c., (see latter clause of section 7) and then the residue to be apportioned "among the children between the ages of six and eighteen years, who may attend any school in their respective counties, in proportion to the time each child has been taught (see section 4.) I have reconciled the conflicting provisions of the act to the above construction, as the only practical one, and therefore, the county courts can exercise their discretion in making, or not, to this office, the return mentioned in section 7, but if made, no action will be had upon it.

The new law is similar in its provision regarding the duties of Assessors and Collectors as the law of 1854, it requires him to *make out a list* of all the free white population in his county between the ages of six and eighteen years, and transmit the same under his official signature to the County Clerk of the County, and a certified copy to the Treasurer of the State, on or before the first day of July in each and every year. The words "make out a list" evidently mean that the names of the children should be given, otherwise it would be no list, but a mere enumeration of them in gross. I am satisfied that for the proper guidance and direction of the county courts, it will be essential for them to have the names of the children, in their respective counties, and they should, therefore, require the Assessors and Collectors to give the names of all those composing the scholastic population of the county.

It is to be hoped that the county courts will see that the Assessors and Collectors make their returns by the 1st day of July in each year, or in case of their failure or neglect so to do, let some competent person be appointed at once, who will make the return by the 1st of September following, as provided in section 8th of the new law.

By the 10th section of the Act of August 1856, it will be observed that the county court of each county is required to make to this office "an annual report of the number of schools, the number of children, the disposition of the fund, and such other information as will give a correct idea of the schools." I trust that the county courts will be particular in complying with this provision of the law; making their reports, up to the 1st day of September of each year, and forwarding them in time for this office to receive them before the 31st of Oct., at which date the annual reports of this office are prepared, and made up; and also that they will make their reports as full in detail as possible, for upon them this office has to rely for all its data and official information in reference to the workings of the school law.

I am well aware that many difficult questions will arise in putting into operation the law of August last, in the determination of which the county courts will have to exercise discretion-

ary powers, without reference to this office for opinion or instructions. Where such is the case, it is hoped their judgment will result in the appropriation of the school fund to the legitimate purpose named in the law, and for the advancement of "free public schools" in our State.

For the purpose of general circulation by the county courts, I have accompanied this circular with a copy of the Act of August 29, 1856, and with such forms as I believe will be suitable for the use of Officers and Teachers in carrying out the law.

Very Respectfully,

JAMES H. RAYMOND.

*Treasurer, and Ex-Officio S. S.*¹

REPORT OF THE EX-OFFICIO SUPERINTENDENT

TREASURER'S OFFICE,
AUSTIN, TEXAS, OCTOBER 31, 1857.

TO HIS EXCELLENCY, E. M. PEASE,
GOVERNOR OF THE STATE OF TEXAS.

.....
Although the present system has had but a partial trial, still it has been found defective—the law conflicting in parts, and wanting much in detail, causing more or less difficulty to the officers and teachers in those counties where the system was adopted and worked under during the past year. Owing to the fact that the law of August 29th, 1856, could not be placed in the hands of many of the county courts, until after the District elections for trustees had been held under the Act of January, 1854, and those trustees, in many instances, had entered into contract with teachers for tuition for the scholastic years 1856-'57; (which contracts could not well be rescinded,) it resulted that during the last scholastic year (to August 31st, 1857) some of the counties worked under the District system of the Act of 1854; others adopted at once the system of the Act of August, 1856; and some never organizing or having schools under either system, so that there has been no uniformity of

¹An Act Providing for the Support of Schools, Approved August 29 1856, with Instructions and Forms for the Use of School Officers, 8-13.

action, and but little information gained relative to the probability of the present law on the subject of schools proving satisfactory to the public at large.

The 10th section of the Act of August, 1856, makes it the duty of this office to require of the county courts "an annual report of the number of schools, the number of children, the disposition of the fund, and such other information as will give a correct idea of the schools." This requirement has been made of the county courts of every county in the State, by a circular, issued from this office, dated November 17th, 1856; but I regret to say it has not received general attention. Up to this date, but twenty-two counties, out of one hundred and twelve organized counties, have sent in their reports for the past year, and such as have reported, with but few honorable and praiseworthy exceptions, are greatly wanting in detail, and devoid of interest or information of value to this office, in making that part of its report under the head of "suggestions;" which, properly, is dependent for its basis, upon these county reports. This office has no other reliable source of information than the county courts. The law looks to them for reports of its workings; its defects, and such suggestions of change, amendment or addition as experience shows to be necessary.—These, when general, full and explicit, would comprise a mass of information for this office to lay before the Honorable Legislature, and thus enable that body to legislate understandingly in their efforts to make more perfect our school system.

Accompanying this, in document marked "D", will be found either full copies or extracts of the most important parts of such reports as have been received.

From the correspondence this Office has had with Chief Justices, Teachers and others, more or less interested in Schools, more knowledge has been obtained of the defects in the last School Law, and the amendments necessary to enable counties to work with ease and uniformity under it, than from any other source.

Our present annual School Fund, for distribution, say \$106,973.88, among 86,799 children, is entirely inadequate to justify expectations of anything approaching a creditable or perfect

system, and unless the annual fund can be largely increased, so that by its amount the people of the State will be induced to take more interest in the cause of common school education than they now do, I am convinced that our present (apology for a) system should be adhered to—only let it be amended—made clear and explicit, so that all can understand it, and be enabled to avail themselves of the benefits to be derived from it.

I am satisfied that the District System of the Act of 1854, would have proven more acceptable and more beneficial than the present one; provided, County and District Officers had felt such deep and abiding interest in the subject as to have ensured their active, energetic and persevering labors in the various duties assigned to them by the law. But as that system was condemned by the last Legislature as too cumbersome, too inefficient, and the law, therefore, repealed, I am far from recommending the repeal of the present law—a change of the present system—because it, too, has, in the short and partial experience under its workings, proved to be defective and not meeting fully the expectations of the people. It would be folly to change our system every two years. If it is done, the people will never know the law; they will never be able to work to advantage and profit under any system with such constant changes. Better have a poor system well understood, than to have the most approved, and the people ignorant of its provisions. The present one is admitted inefficient, but let us try to make it efficient; let such amendments be made as are most needed, so that the benefits intended by the law may be easily understood and arrived at.

To remedy apparent defects and reconcile conflicting provisions in the law, I would respectfully suggest the following amendments, and give a few of the reasons why necessary. Assuming that the present Legislature will, without doubt, pass a law changing the time from the 31st day of October to the 31st day of August, for the fiscal year to close, the different Offices of Government, I would suggest that the scholastic year, both fiscal and teaching, should close on that date (August 31st,) also. Such a change would make the annual distribution of the School Fund two months earlier than

at present, and this of itself would be of great advantage to Teachers in enabling them to receive their pay promptly; it would also give this Office sufficient time to prepare its reports and present them to the Legislature at its commencement, instead of sending them in a month or six weeks thereafter.

The law should be so amended as to fix the *teaching* scholastic year from the 1st of September to the 31st of August following, and schools taught within those dates only, to be included in any given year's tuition; and require of every teacher whose school has been conducted under the law, with the expectation of being benefitted by its provisions, to report forthwith to the County Court as required in the 5th Section of the Law. In addition to the requirements made of the teachers in said Section, it should be made their duty to state in their reports the names of all the scholars, the amount of tuition, what has been paid by each patron, and what is still unpaid. As the system now works, some patrons pay the teachers the full amount of tuition due by them. The teachers report to the County Court the names of the scholars and the number of days tuition only; and the County Court, in making the distribution under the 4th Section of the law, having no evidence of the teachers having received full tuition from some of the patrons, allow them the pro-rata upon the basis of their reports, when, in fact, the pro-rata of all such as have paid in full, should go to such patrons instead of the teachers. As the law now stands, there is no check upon the teachers. They can before, or even after their report is made to the County Court, collect from such patrons as are able to pay in full the whole tuition due, and still receive from the County Court the pro-rata due the children of such patrons, without the patrons having any knowledge of the amount, or being benefitted in anywise by the State bounty, unless they individually call upon the teachers for a settlement. By reference to the report made to this Office from the County Court of Caldwell County, it will be observed that they have adopted a course curing this defect in the law, by which the patrons will receive their pro-rata of the School Fund, without it passing into the hands of the teachers. They presume that all who are not

classed in the law as "indigent," will pay the teachers in full according to contract, and instead of paying the public fund remaining on hand after the tuition of the indigent has been satisfied to the teachers, the County Court appoints for *each* school taught in the County under the law, three responsible patrons to receive the money, and pay to each patron his or her distributive share of the fund, requiring said agents to make full reports of their acts at the February term of said Court following their appointment. This plan has worked well in Caldwell County, and I would suggest that provision be made in the law, making it the duty of County Courts to adopt a similar one in their respective Counties. It would have this advantage over the present provision. Teachers could at once, after closing a school session, collect from all patrons able to pay, the full amount of tuition due by them without having to wait for the annual distribution of the State bounty. The patrons instead of the teachers would then wait, but it is my impression they would be more certain to receive their distributive share; from persons so appointed, than through the teachers, at least, with more convenience. Even if the amounts should not be paid to the teachers, but left in the County Treasury to the credit of the patrons, it would be inconvenient for each patron to call for the small amounts due them, and this would be obviated in a great measure by the appointment of trusty patrons of each school to pay such dues in their immediate neighborhood.

The law is clearly defective in not providing some standard other than the affidavit of the teachers for determining what patrons are unable to pay their share of tuition. As it now stands, it simply requires the teachers to be satisfied that a patron is unable to pay, without defining the process to be pursued to arrive at such result, when they can report their conclusions under oath to the Chief Justice and receive payment for tuition due by such patrons, having them classed under the head of indigent. I would suggest that the teacher's oath be supported by the certificate of at least two responsible paying patrons of the school, to the effect that they are acquainted with the pecuniary circumstances of the person or

persons included in the report of the teacher as unable to pay, and are satisfied that the statement of the teacher is correct, and that the amount reported should be allowed; or give the County revisory powers, so that by examination of the tax rolls on file in the County Clerk's Office, and by their individual knowledge of the situation of most of the residents of the County, that body can check any errors made by teachers in their returns, and make such corrections as facts in its possession will justify.

There is some difference of opinion among County Courts as to the proper construction of the proviso to the 4th Section of the law. A short time since I had occasion to submit the law to the Attorney General for his opinion upon some doubtful points, and in his reply, upon the construction of this proviso, he says: "It might be understood from its language, that no child whose tuition has been entirely paid from any source, shall receive a benefit under the law. The manifest injustice which would result from such a construction, requires us to find some other, if consistent with the terms of the Act. To illustrate:—It may happen, that one patron who is able to pay, has paid; another, equally able, has paid only in part, or not at all. The law certainly did not intend to give any advantage to the *non-payers* on account of their default, not arising from inability. The meaning of the proviso, as I take it, is, that no money shall be paid to a scholar, in any event, over and above what is sufficient to discharge the amount due for tuition, in cases where a surplus remains after paying in full the indebtedness of all the schools." This, without doubt, is the true interpretation of the proviso; but a school law, above all others, should be so framed as to be understood alike by all; leave no room for false construction, to the end that there may be uniformity in its operations.

Some Counties have met with difficulties in determining the character and rate of tuition, that should be allowed to such as come under the head of *indigent*. By a compliance with the law, all schools are declared "free public Schools." This, of course, would include Colleges, Universities, Academies and Institutions of the highest grade, where the charges are regu-

lated by the course of studies pursued, as well as the County Schools where teachers are employed at fixed monthly wages, or at so much a session for each scholar without reference to the studies pursued. Now it is natural that parents should prefer schools presenting the greatest advantages, and it is not to be wondered at, that those who are unable to pay the tuition of their children—availing themselves of the benefits of the law to the fullest extent—should send their children to the best institutions open to receive them. This course is pursued, particularly in the towns and villages where schools of a high grade are in operation, and the result is, that the tuition of such children has to be paid at the high rates of such schools, out of the public fund, provided therefor,—This is giving superior advantages to some of the same class, and manifest injustice to those children, who differently located, and attending schools in the country, are confined in their studies to elementary branches of English, at rates of tuition at least three-fourths less than those attending the high schools—all to be paid out of the same fund, and under the same provision of the act. To meet these high rates of tuition for the indigent, will prove an onerous burden to the counties; besides, there is a want of justice in such an unequal distribution of the State bounty, and a little reflection, will I think, convince any one that some established rate of tuition should be fixed for such scholars as are unable to pay. This can be done either by authorizing the County Courts to fix the rates for their respective Counties, by an allowance to each teacher or school of so much per day, for each day's tuition of this class of scholars. This would make the benefits of the law uniform throughout the County, or by the Legislature fixing the rate in the law, which would make it uniform throughout the State. By adopting either of these plans, it would lead such institutions of learning to regulate their charges by the course of tuition given, to have primary departments, where they could afford tuition to the children of the indigent at the rate established by the County or State; or, if allowing a full course to students, they would know what they could receive from the County Treasury therefor.

Provision is also required to cover another defect in the law. It frequently occurs that schools are organized on the borders of a County, attended by scholars from adjoining Counties. The teachers of such schools are only required to make their report of tuition to the County Court of the County in which such schools are located; and in doing this they include the tuition of scholars not belonging to that County, but who have been estimated in other Counties, and whose tuition should be chargeable to the county from whence they came. The fund of one county should not be appropriated to pay the expenses of tuition due from residents of other Counties. I would suggest that the law make it the duty of teachers, under such circumstances to report to the different County Courts, the actual attendance from each County sending scholars to such schools, and the reports of such teachers be considered by the County Courts the same as if the schools had been located within the limits of their County.

There is an evident disposition in some Counties to make use of the present school fund, only for the tuition of such as are unable to pay. The fund is sufficient to meet the wants of this class, but after they are paid, there is so little left for general distribution; the pro rata is so small, as scarcely to make it an object to pay out, or for those interested to claim. As the indigent are most in need of State bounty, and the evident intention of the law is to give them, if none others, present help, I think it might prove well to allow County Courts to exercise discretion; and after paying all charges for indigent, to either distribute the balance according to the present provisions of the act, or give them the privilege of loaning the same, with approved security at 10 or 12 per cent interest, thereby having an accumulating County school fund, to be used hereafter as sound policy may dictate.

I would respectfully call attention to the report (in document "D") of the Chief Justice of Comal County, to the effect upon that County, of the abolishment of the District system established under the Act of 1854. This report is so full in its preference for the District system over the present one, that it is unnecessary for me to say more, than that other

Counties are in a similar situation to that of Comal, and suggest that provision might be made for such Counties as fully complied with the Act of 1854, by organizing their districts, building and furnishing school-houses etc., to allow them to continue, at their option, the district system. It may be urged against this, that there would be no system or uniformity of action. Grant the objections; but it will lose all force, when, what we now call a system is closely scanned. It will be found, not a system, but an excuse or apology for, the distribution of so much money, annually, among the different Counties, which, when once in their possession, can take as many different directions as the law is capable of different constructions or as the opinions of the County Courts will permit the use thereof. There is no other check than the County Treasurer, who, consenting, the fund can be, (and in some cases, I fear, has been) used for locating school-lands supporting paupers, and paying ordinary County debts. But, as I have said before, the annual School Fund is too insignificant, when compared to the number of children, to give hope or expectation of a system, affording general benefit, at all creditable to the State. Without a large increase of the fund, our efforts should be mainly directed to the education of such as are unable to pay tuition, and abandon the hope of a system of common schools, free to all—rich and poor—until we have the means to justify it.

There is evidently a general desire for a change in that provision of the State Constitution preventing the sale, for a period of twenty years, of the lands donated to the several counties for public schools, so that they may be made available for present purposes in the support of schools. In my report to the Sixth Legislature, I called the attention of that body to this change, by making use of the suggestions of your Excellency upon the subject in your annual message to the Honorable Legislature, under date December 23, 1853.—It will be observed that the Chief Justice of Comal and Fayette Counties, in their reports, call particular attention to this subject, and I am satisfied that it would meet with the views of a large majority of the people of Texas. I therefore, confidently trust the present Legislature will take the initiatory step for such

an amendment to the Constitution as will authorize the subdividing of those lands into small tracts, and the sale of alternate tracts, at not less rate than a stated minimum upon time, with 6 per cent interest, payable annually. Such a policy would give immediate benefit to many Counties in sustaining a system of schools, besides being conducive to the settlement and prosperity of those Counties wherein large bodies of these school lands are located.

I would recommend the repeal of the following clause of the 7th section of the law:

“That the County Court of each County, after ascertaining that the patrons returned are unable to pay the tuition, shall make a return of the same to the State Treasurer, who, upon the order of the County Court, under the Seal of their Offices, in favor of the County, shall pay over to said County Courts their distributive shares of the interest of the School Fund.”

This is a second and entirely different provision for the payment of the *same fund* to the Counties; the 3d section of the act providing for the distribution of the whole annual fund arising from interest, leaving nothing in the State Treasury to pay to Counties under the provisions of the 7th section. All of the 7th section following the above recited clause should be added to the end of the 6th section, where it will be seen, more properly to belong.

The Act of August 1856, provided for one copy of said act to be furnished to each County Court and to each Assessor and Collector. This, I felt satisfied, was totally inadequate to furnish such general information of its provisions as was demanded, I therefore procured in addition, the printing of two thousand copies, in pamphlet form, which I accompanied with a circular to “School Officers,” giving such explanation of the laws as I considered necessary to its proper introduction into use, as also, with such forms as would aid officers in the discharge of their duties, which were distributed among the Counties. I send herewith a printed copy of said circular, dated November 27th, 1856; also, a printed copy of my circular of October 2nd, 1857, in order that the Legislature can,

if desired, correct any errors I may have fallen into in my interpretation of the School Law.

Respectfully submitted by
Your Excellency's
Obedient Servant

JAS. H. RAYMOND.

*Treasurer and Ex-Officio Superintendent of Schools.*¹

ABSTRACT OF REPORTS OF COUNTY COURTS

COMAL COUNTY.

.....
Throughout the greater part of this county, and more particularly among the German population of the same, (the part of the county, where those five schools reported are located, is settled almost exclusively by natives of Germany) a great interest for public schools is felt, as exemplified after the passage of the school law of 1854, that, immediately in six or seven districts of this county, subscriptions for school-houses were raised, and school-houses built or commenced; but, after the passage of the present school law, which repealed the District System, in some of them the completing of the same ceased. At New Braunfels a large, substantial school-house, with three large rooms, was built and furnished by voluntary contributions of the citizens, and finished in April 1856. The school patrons, soon after, finding the same too small for the great number of children, resolved to add to said building another very large room, which was finished and furnished in April, 1857, also by voluntary contributions; and if the crops in our county had not have proved an entire failure this year, still another building would have been added to it, which now must be delayed until times become better. In said school three teachers are employed in four classes, and a fourth teacher will be employed as soon as the necessary funds for his salary can be obtained. For the same school, a library, which very

¹*Report of the State Treasurer as Ex-officio Superintendent of Schools for the Years 1856-'57, 22-31.*

probably consists of nearly 1000 volumes, is now on the way from Germany, as a gift from the friends and relations in Germany to said school, together with over 100 volumes contributed from gentlemen of New York.

According to the Act passed at the last Legislature, authorizing the Trustees of the several school districts of Comal county to levy and collect a special tax for school purposes, approved February 4, 1856, I call to your recollection my last annual report, in which I communicated that an election in the several school districts of this county was ordered, at which election two of the districts voted in favor of said tax, to-wit: New Braunfels district, (with 5-6 for and 1-6 against) and the Comaltown precinct; and, in those two precincts, the public schools were principally supported by their shares of the school fund and said tax. Several of the other districts, which at that time voted against said tax, have since found out that such a tax operates very well, and is no burden at all on the people, but does more to keep up the schools than anything else, and, therefore, they wish very much to benefit themselves by said Act. However, the Chief Justice is prevented ordering a new election by the terms of the last Act abolishing the school districts.

As indicated in the above mentioned last annual report from this county, the present school law is more defective than the law of 1854, and one of the greatest objections to the law in force now, is the abolishing of the District System. The former law the people had hardly time to get acquainted with, and get perfectly familiar with. It was defective in many instances, but not in so many as the present law.

According to the law of 1854, each county was to be laid out in school districts of convenient size, and each district had to elect its Trustees and build school-houses. In this county most of the districts have elected their trustees, and six or seven have built school-houses; but after having done all which the law required, the next Legislature does away with the District System, and the question is, now, to whom do such school-houses belong? It may happen that two or three teachers would like to keep schools in such a district, each of

them will have the support of some of the patrons—who shall have the preference? Who superintends such buildings and their furniture? If all the citizens shall do it, then certainly it will not be much cared for. Furthermore, under the former law, the patrons had to indicate, at an annual meeting, to their trustees, the kind of school they wanted, the amount of salary they wished to pay their teachers, etc.; but the appointing of teachers was left entirely to the trustees; the teachers had nothing to do with the patrons; they were only dependent upon the trustees; and, as it is always easier to get along with three men selected by the people, than with the whole mass of the people, the teachers were much better off under the former system than under the new one. And the consequence is, as it is to be seen every day in every county, that county schools spring up every day, but, in most of the cases, after a short time, one or the other patron finds fault with the teacher, and does not send his children any more, until, after a while, the teacher finds so few children in his school that he has to give it up, as it does not pay. Such people being, perhaps, very anxious to have their children educated as well as their means allow; after some time they get another teacher, and so it goes on the same way. But, after having done all that was in their power to get up a school, they will lose their share of the school fund, as such teacher has to swear that he has taught his school for a period of at least three months; but it may happen that, in all, such a school was taught for nearly nine months during the year, and still the people would not be entitled to their share of the school fund, as none of the teachers had been employed there three months; and if one of them had really taught so long, he has since left without having made his report. All such things could not happen under the District System, as then it would be the duty of the trustees to look out for the interest of the school, and to collect all the money they could get. As the trustees had to employ the teachers, the latter look to them for their payment; and they were responsible for it so far as the income of the school would go and if they had discharged one teacher, they would directly employ another one, the school always re-

maintaining the same, and being entitled to draw its share of the school fund for the number of days the school was taught. It is to be supposed that the people will elect such trustees as will be qualified to fill said office, and feel interest enough in the cause of education to promote this object. But as it often happens that the people do not find the best men at once, therefore, it is certainly better to have an election for trustees every year, so that people may have a chance to get trustees in case the former should not give satisfaction; and, if elected every two years, too much time for the children would be lost, should the trustees not do their duty.

The plan, the undersigned County Court would unanimously recommend, is the same as indicated in the last annual report from this county, namely:

The Constitution should be so amended, that each county should sell, annually, a part of its school lands, (say the alternate section of one league) under the same stipulations as set forth in "An Act authorizing the disposition and sale of the University lands," approved August 30, 1856; and that the interest derived from the sale of said lands be annually added by the County Court to the share of this county of the State school fund, which, in a few years, in most of the counties, would bring a sufficient amount to establish free schools throughout the whole county. The sale of school lands, advocated so much by the message of his Excellency, Governor Pease, and your report to the Legislature, was also very strongly recommended at the last Legislature by Dr. Kittrell, Chairman of the committee on Education, (Journal of the House of Representatives, p. 310.)

Furthermore, we would recommend the appointment of a State Superintendent of Public Schools, (as already recommended by you in your report to the last Legislature,) with a sufficient salary and other requisites for said office.

The duty of said Superintendent would be to oversee all schools in the State, give such recommendations to the school officers as he thinks fit to promote the object in view, recommend new books and apparatus for said schools; if requested, import such books and apparatus in the counties at the least

possible expense, visit the schools occasionally, etc. He should make the distribution of the school fund among the several counties of the State; the moneys derived therefrom should be paid *semi-annually*, instead of annually, as is now the case; and whereby the teachers have to suffer the most, who have generally to wait for their hard-earned and often comparatively very small salary almost a year.

Each county to be divided into school districts; each district having the right to levy and collect a school tax, if the majority of the voters of such district consent to it, at an election to be held in the district by an order of the Chief Justice, at the request of at least ten patrons of such a district. Then the Chief Justice of each county should be made *ex-officio* Superintendent of schools in his county; should order all elections for said purpose; should visit each school within the county at least once a year; should once or twice a year, at stipulated times, hold a meeting at the county seat, with the assistance of at least one Trustee from each district, at which meetings the recommendations, etc., of the State Superintendent be presented, the reports of each district received and read, such suggestions and alterations as required be made, the districts laid out or altered or discontinued as it may be agreed upon, the county school fund distributed, complaints against trustees or teachers be heard, investigated, and if necessary, the trustees or teachers removed, teachers examined and licensed, etc., and, in particular, it should be the object of such a Court to carry out the plan which, in most of the counties, can be carried out, and should be carried out; that is, that all the different schools in the county should be connected together; that primary schools should be established in such districts where the population is more scattered, and better schools, if possible, where it is more dense, and at the county seat, where, in most all the counties, the population is thicker a higher school established, in which the children would then be well prepared to be benefitted by the Universities which are to be established now in the State, but by the present state of the schools in the county, will only be beneficial to the children of wealthiest parents, as the tuition fees of high school are so high now.

The undersigned is perfectly convinced that, in such a way, the people of the whole State would, within a very few years, have the best and most beneficial system of schools. And after the adoption of such a system, should the object in view be not carried out in some of the counties, it will be the fault of the people themselves in such counties, if they do not elect such officers, who do not feel interest enough in the education of their children who when grown, become the rulers of the country. Under no kind of government, a good and uniform system for the education of children is of more importance than in a Republican government; and it is the best thing to prevent rowdyism and crime.

TH. KOESTER,

Chief Justice, Comal County.

New Braunfels, October 6, 1857.¹

GILLESPIE COUNTY, (SUPPLEMENTARY REPORT.)

James H. Raymond,

Treasurer of the State of Texas:

Sir:—I deem it necessary to draw your attention to several deficiencies in the School Law of 29th August, 1856. In conformity to the law of 1854, there were built in this County six school houses; some at considerable expense. It is now a question as to whose is the right to occupy and the duty to superintend these houses as the law of '56 has done away with School Trustees. It is highly necessary that this matter should be provided for by legislative enactment. Those who contributed to the building of these houses, contend that they are equally entitled to the occupation and use of them. Your advice on this matter would be thankfully received. The majority of the inhabitants of this County would much prefer the law of 1854 to that of 1856, unless the latter be considerably changed and amended. By this latter law, the inhabitants of villages and towns are favored to the disadvantage of farmers and others scattered in the country, as the latter cannot send their children to school regularly, while the former may send theirs

¹*Ibid.*, 37-41.

daily throughout the year. As the money is distributed in proportion to the time a school has been taught, it is obvious that those living in the county, labor under a great disadvantage, and there is no doubt that the law of 1854 was a more just law than that of 1856. Under the last law, any number of insolvents and widows may employ a teacher at any salary, and the County Court would be obliged to pay the same in preference to other claims of a similar nature. In this also, the law of 1854 was more just, as it excluded such extravagance, and yet provided for the payment of the schooling of children of insolvents and widows. Much more might be said of the inefficiency of the law of 1856, but its inadequacy is so well known that it would be superfluous.

W. WAARMUND,
Chief Justice of Gillespie County.¹

MESSAGE OF GOV. PEASE TO THE SEVENTH LEGISLATURE
1857.

.....
Gentlemen of the Senate and House of Representatives:
.....

The reports of the State Treasurer, as Ex-Officio Superintendent of Common Schools, for the years 1856 and 1857, show that the principal of our School Fund has been increased to about two millions and two hundred thousand dollars, under the provisions of two laws of the last session, by which the ten per cent of our annual revenue set apart by the Constitution for schools, and the proceeds of the sales of all public lands within the limits of the Mississippi and Pacific railroad reserve, are annually added to this fund.

Should these judicious provisions remain undisturbed, and a similar law be enacted, for the sale of our public lands in other parts of the State, the proceeds to be added to this fund, it will hereafter be increased over a hundred thousand dollars each year.

The number of scholars reported for the year 1856, was 72,826, and the amount disbursed for schools, from the income

¹*Ibid.*, 45-46.

of the fund, was \$101,588 .00, being about one dollar and thirty-eight cents for each scholar.

The number reported for 1857 was about 87,000, and the amount disbursed from the income of the fund was \$106,000, being about one dollar and twenty-one cents for each scholar.

While the amended school law of the last session, has proved to be much more satisfactory to the people than the former law, many imperfections have been discovered in its details, that will require revision.

Your attention is particularly invited to the suggestions and recommendations contained in these reports. They are the results of the experience of the superintendent and others, in witnessing the practical operation of the present and former law, and are worthy of your serious consideration.

On former occasions, I have called the attention of the Legislature, to the importance of establishing a State University, where all the facilities can be furnished for obtaining a thorough education, that are to be found in other States; I feel that I should be wanting in duty, did I fail to urge this measure upon your consideration. No country was ever better situated to commence such an undertaking. We have ample means in the Treasury, not needed for other objects, with which to erect the necessary buildings; and we have two hundred and twenty one thousand and four hundred acres of land already set apart by your predecessors for a University, the proceeds of which, if properly managed, will be a liberal endowment, and will enable us to command the services of learning.

The necessity for such an institution is felt and acknowledged by every one; and I trust that you will not let this session pass, without adopting measures for its establishment at an early day.

The residue of the University Lands, to make up the fifty leagues, have been selected and surveyed in accordance with the provisions of an act of the last legislature.

But little progress has been made, under the act authorizing the University Lands, heretofore located, to be divided into quarter sections, and alternate tracts thereof, to be sold. Only

two District Surveyors have made returns of their work to the General Land Office; and one of these was so imperfect that it had to be sent back for correction. I have not thought it advisable to commence the sale of any of these lands, until all, that are situated in the same section of the State are ready for sale, under the law.

.....
The first annual report of the Board of School Commissioners, organized under the "act to provide for the investment of the special school fund in the bonds of Railroad companies incorporated by the State," is herewith submitted.

But two loans yet have been made by this board. One of one hundred and fifty thousand dollars to the Houston and Texas Central Railway company on the 13th day of April, 1857, under which the bonds that constitute said fund were taken by the company at a premium of six per cent; that being the rate, at which they were then redeemed at the United States Treasury. The other was a loan of sixty thousand dollars to the same company, made on the 28th day of October 1857, under which, it is presumed that no premium will be obtained on the bonds, since it was understood here unofficially, on that day, that the United States had ceased reducing them. a premium of five per cent was however retained, until advices can be received in regard to what premium, if any, they bore in New York, when the whole or such portion thereof, as may be right, will be returned.

The Buffalo Bayou, Brazos and Colorado company, applied some time since, for a loan of one hundred and fifty thousand dollars, and an Engineer was appointed to examine and report whether the condition of the road was such as to entitle the company to the loan, but no report has yet been received.

The operation of the law, authorizing these loans, has not proved as advantageous to our railroad companies, as was anticipated by its advocate. The amount loaned under its provisions is not sufficient to afford them much relief, and they cannot readily obtain a second loan after their road has been mortgaged to the State.

The means for grading, procuring the cross-ties and laying

down the iron, can be raised, within the State, by most of our roads that are now making any progress, but the iron cannot be obtained without money, or such paper as can be readily converted into money; neither of these can be obtained from our own citizens for any great extent of road; few of them have any money or cash paper beyond what they require for their ordinary business, and those who have, find more certain and more profitable modes of employing it than investing it in railroad stock, or loaning it for a second mortgage on a railroad.

It is not believed that any aid, granted to our railroad companies, short of the means necessary to purchase their iron, will enable them to prosecute their roads with a rapidity that will meet public expectation.

Notwithstanding this belief, I am not disposed to recommend the substitution of any other system for giving aid by the State, in the construction of railroads, than that now pursued, while we retain in our Constitution its present restrictions upon the power of the Legislature, in regard to the subject of internal improvements.

The present system was adopted after mature deliberations and seems to be satisfactory to the great majority of our citizens; it is perhaps as good as any we can adopt without a change of our Constitution; it enables a few companies to struggle along and accomplish something, though it is much to be feared that the present embarrassed situation of the money market will prevent, even these companies, from making any progress during the next two years beyond the completion of such contracts as have already been entered into.

Much complaint is made of that provision of this law which requires a company to have twenty-five miles graded, in advance of that which has been completed, before it is entitled to a loan upon any section of completed road, though this provision is believed to be the best security the State has for the re-payment of the loan, since no road can be completed and equipped, twenty-five miles in length, with an additional twenty-five miles graded, at a cost of much less than three hundred and sixty thousand dollars in actual money; and such an amount cannot be raised and invested in a railroad, at any

point in the State, where there is not a certain prospect of obtaining sufficient business to make the road undoubted security for a loan of one hundred and fifty thousand dollars.

While it is not thought advisable to change this provision, there would seem to be no good reason why a company that has received a loan upon twenty-five miles of completed, and twenty-five miles of graded road, should not receive a further loan upon each additional section of five or ten miles that it may complete, without being required to make any additional grade in advance.

Such of our railroad companies as have invested any considerable amount in their roads, but have failed to comply with all the requirements of their charter, or of our laws, for the encouragement of their construction, in regard to time, would be allowed a reasonable extension in all cases, where they are not possessed of powers and privileges which are not given to all other companies. But where they are possessed of such powers and privileges, and extension should be granted only on condition that the company consents to such restrictions of its powers and privileges as experience has shown to be necessary for the protection of the rights and interests of the State or any of its citizens.

It is much to be regretted that we did not at first, adopt the principle of granting to all our railroad companies, similar powers and privileges; if we had, there never would have been any inducement for besetting the Legislative halls with applications for extraordinary favors.

If we would now remove this inducement we ought, as early as possible, to bring all railroad charters to the same standard; this we can easily do, as companies apply for relief; for there are few, if any, that will not require it.

.....
EXECUTIVE DEPARTMENT, Nov. 2, 1857

E. M. PEASE.¹

¹*Message of the Governor of the State of Texas to the Seventh Legislature.* 1857, 9-21; *Journal of the House*, 1857, 29-41; *Journal of the Senate*, 1857, 19-31.

COMMON SCHOOLS OPPOSED TO UNIVERSITY

The question of establishing the University was urged upon the legislature by Governor Pease in his message to the Sixth Legislature, November 6, 1855. A bill was introduced by the Senate Committee on Education for the "creation of a fund for the erection and support of a State University." Immediately began an acrimonious debate in both the House and Senate which continued with intensity throughout the sessions of the Sixth and of the Seventh Legislature. The struggle terminated in the Bill establishing the University of Texas, approved February 11, 1858. In the main there were three parties to the struggle: 1. Those who contended for two Universities, to be established in East and West Texas respectively; 2. Those who wanted but one University; 3. Those who were opposed to the establishment of any University at the time. The third party based their contention upon the greater need of elementary Education, and set the advantages of the Common School System in sharp contrast to the benefits to be derived from a University. The discussion consumes many pages, and can be obtained in full in Dean Benedict's *Source Book*. The prominence given to the alleged opposition of common schools and higher education requires that several of the more representative discussions should be given here.

PROCEEDINGS OF THE SENATE

SENATE, JULY 22, 1856

STATE UNIVERSITY

.....

Mr. Armstrong moved to amend the Bill by striking out the word "University" wherever it occurred in the Bill and insert "*Common Schools* in the several counties of the State"; and said I have offered the amendment to decide the question whether the masses of the people or a few shall be the recipients of the benefits of our legislation. Common schools are for the people generally. Universities are for those who are most able to pay for their education. The Legislature has passed a Bill loaning the Common School fund to rail road companies. Now, if this appropriation for the building of one or two Universities should be made, I say let it be loaned to Rail Road companies like the Common School fund. Shall our Legislature be thus partial, and for the benefit of those who need it least? It is determined that the children of the country are not regarded in comparison

with Rail Road loans, to let this fund take the same direction. But that amendment was ruled out, and the other is offered which gives rise to this discussion. One of the principal objections I had to the Loan Bill was its unconstitutionality, which does not exist in the counties loaning to corporations. I am no advocate of the University system. My plan is *first* Common Schools then Seminaries of learning in the counties. The Common Schools above all. Universities are the ovens to heat up and hatch all manner of vice, immorality and crime. Where the youth is removed from the presence of their parents and guardians, they run into every excess and come forth steeped in sin and reckless of all consequences. While the youth reared in the country, mingling manual labor with his studies, where their physical and mental faculties are alike strengthened, cultivated and developed. Among the first class of students, there are some exceptions, but among the last class of students, we must look for the heroes and statesmen who shall govern and defend our beloved country. When war is the word, then you see who does the fighting and suffers the fatigues of marching. They come from the masses of the people, and not from the colleges, with few exceptions. In the country schools we find all the virtues which ennoble our race taught and practiced. I do not say that virtue is wanting in Universities, but I speak comparatively. I say let the system of education be like a pyramid beginning at the foundation. General information first among the people. Then our liberties as a free people, are safe; but let the masses be left in ignorance and superstition and the educated few will soon reduce them to the condition of the down-trodden nations of the Old World, who are mere property in the hands of those for whom they toil. It was the common schools that gave us a FRANKLIN, a FULTON, a MORSE, a GREENE, a SHERMAN, a JACKSON and a WASHINGTON. The diffusion of useful knowledge among the people generally should be our first care—discarding all the useless reading of the age. Of what avail is it that the youth can tell you of lost languages or obsolete sciences, or that they should puzzle their brains with the visionary theories of the ancient schoolmen in trying to discover how they could travel from one place to another without passing the intermediate

space? Cannot the youth of the country at the school houses travel from his spelling book to the celestial mechanics of La Place? Is it not as fit a place to learn all things for man to know the school houses as the college. I say more so, for there are too many allurements and attractions around the fashionable and crowded universities for the youth to contemplate upon the knotty questions in philosophy and mathematics; not so at the school houses. The abatement of universities will send the teachers to the schools. Schools in every neighborhood will be filled with intelligent teachers and pupils, and the people will have among them all the means of useful information, but the contrary if the sciences are favored at a few places. It is putting it out of the power of the people generally to send off their children to college. They must remain at home to aid their parents to obtain a support, while the sons and daughters of the wealthy, can enjoy the privilege and receive the benefits of the poor man's money in attending these Universities built by the State. Making the poor man contribute to educate the rich man's child while his own children labor. Making the poor man subservient to the rich, a species of legislation at variance with the principles of a democratic government. I do not speak this to draw distinctions, but I must say it is anything but republican and democratic. It is a tendency, a leaning to the remnants of exclusivism, a longing after the principles of centralism. Our government is the people, then let our institutions of learning and all privileges of free government belong to the people, and leave it to the other governments to teach the few to rule the many, the few to enjoy the blood and toil of the many. I say first common schools, afterwards, and when needed, other institutions of learning might be encouraged, but the time has not yet come for the university system to be established by the State. Let those who have the means and inclination erect universities at their own expense for the education of their youth. The time may come when the State ought to establish such institutions, but I think that period far in the future. I differ with the Senator from Brazoria: he is beginning a system of education by erecting an university. Myself by educating the children of the country generally. Again, as to the wealthy classes of our State, I have no doubt but that class if that meas-

ure were left to them they are too patriotic, generous, and public spirited to receive the benefits of such legislation. That class would readily dispose of it so as to help those less fortunate. We see already that the wealthy class are contributing to the erection of seminaries and institutions of learning in the towns, neighborhoods and cities of our beautiful and thriving State. I say that all classes are giving their aid and encouragement to common schools and institutions of learning generally throughout, in order that all may be benefited, that the youth of poor and rich may be mingled together, form their friendships and assimilate their feelings, that the ties of friendship fixed in youth may bind them together in age, and that their mutual dependence on each other may be learned and appreciated. Not separate them in their youth so as to render them comparatively strangers in after life and without sympathies and regard for each other. I say rear them and educate them together, and when our common country shall need their aid in the councils or battle fields, they will stand side by side animated by the same sentiments for the welfare of their common country.

The Senator from Brazoria argues that erection of universities in our own State will dispense with the necessity of sending our children to the North to be educated, there to receive their impressions of the North injurious to the rights of the South, to be taught principles at variance with the South. I reply, let them have their children educated in the seminaries and schools of our State, established and to be established in our State without aid. Let them erect such institutions in our own State. Those who are able to pay for university education in the North are able to apply the same means in our State. Their State pride will prompt them without legislative incentives and assistance. As to our youth being denied intercourse with the people of the North, I differ with the Senator. It is our duty to mingle with and associate with our fellow-citizens of the North. We are citizens of one Government, one common country. We can best understand our common wants by associating together, and regarding each other as belonging to one great neighborhood. We ought to encourage by every means the most intimate and friendly relations with our brethren of the North. Let us inform the various sections of the Union of our common

and separate rights—our common duty, and interest, and mutual dependence on each other, and we will be the better enabled to understand our relative rights and duties. And in no way can our friendly relations with our brethren be better prompted than by a genial intercourse encouraged by every possible means. Let us not denounce in general terms the whole North, for it is to the conservative power of the national democratic party of the North that we look for the protection of Southern rights and the maintenance of the guarantees of the constitution. We look to that party for our rights, yet we condemn and denounce the whole North. We teach doctrines of non-intercourse with the North. We would discourage all friendly connections and intercourse with the North. Yet we turn to the democratic party in all times of trouble. If we by our acts alienate the feelings of the people of the North, we may expect nothing from them and then will follow in haste the dissolution of the Union with all its disastrous consequences.¹

PROCEEDINGS OF THE HOUSE

November 24th, 1857.

SPEECH OF MR. NORTON ON THE UNIVERSITY

MR. NORTON said:—

.....

I repeat, Sir, that it is undemocratic to educate the few at the expense of the many. I repeat, Sir, that the money of the people should not be so appropriated that all cannot be benefited. And, Sir, I regard the declaration of the gentleman from Smith, that "if either the high schools and colleges, or the common schools had to be given up, he would freely wipe the common schools out of existence," as monstrous!

It is true I have no sympathy with such Democracy.

THE COMMON SCHOOLS ARE THE PEOPLE'S COLLEGES. And, Sir, my Democracy, whether palpable or not,

¹*State Gazette Appendix*, Vol. 1, Pt. 2, 45-46; Benedict, H. Y. *A Source Book of the University of Texas*, 58-61.

would favor the entire appropriation of the fund contemplated for the University, to the common schools of the State. I advocate the greatest good to the greatest number—the appropriation of money directly to the education of the children of the people, instead of expending hundreds of thousands of dollars in the erection of costly and magnificent buildings alone—“Temples of Futurity,” the gentleman from Smith calls them—“Temples of Futurity,” indeed; that in the far distant future, could we but lift the veil, we may see the children of my constituents represented by other gentlemen upon this floor—the children of the poor people of the State of Texas—gathering around the massive structure, and upon their bended knees, looking up in wonder, amazement and astonishment at the fluted columns and “lofty domes and towering spires” of the proud “temple of futurity,” erected in fatuity by the Legislature of the State, out of the money and the substance of the whole people, for the benefit of the few rich and well-born!

The wildest views seem to prevail in the minds of some of the honorable gentlemen as to what should be the course of study in this great university. It has even been proposed, that in addition to the usual branches taught in our literary institutions, there should be provision made for magnificent Law, Medical and other departments! To such propositions I dissent, *in toto*. Let those who may wish to receive what is called the genteel polish of a “finished professional education,” not call upon the people in the humble walks of life, upon whom they may in future show their professional skill, in fleecing or physicing, to pay for educating them. Let us have no Doctors or Lawyers manufactured by a State institution; and I say it with all becoming respect to gentlemen of the learned professions, God knows we have enough of them in the country, with a rising prospect of “more of the same sort!” Were it proposed to establish an Agricultural Bureau, a measure which my friend from Galveston (Mr. Brown) has much at heart, it would not be so much out of place, inasmuch as whatever tends to promote the success of those engaged in the culture of the soil adds to the general prosperity of the State. But there is no such thing thought of by those having the management of this great Uni-

versity; it is to benefit those who *eat bread, and not those who make it.*

I hold in my hand the Governor's message to this honorable body, in which he says, "The number of scholars in the common schools, reported for 1857, was about 87,000, and the amount distributed from the income of the fund was \$106,000, being about one dollar and twenty-one cents for each scholar."

How many of this 87,000 of the common school children of the State would be benefited by the establishment of this great University?

By this time next year, there will be 100,000 children attending the common schools—and as each year passes by, there will be more and more—the increase never stops. And it so happens, in the wise providence of God, to whom he grants not riches he grants children in abundance—and for the education of the hundreds of thousands of poor children of our rapidly increasing State, I plead now to you, and before long they will themselves demand their rights. This grand University will confer benefits upon the children of the rich—upon the few only.

I am no enemy to education, collegiate, literary or classical; on the contrary, I am glad to see the young striving to obtain it. But, Sir, the common school system, perfected as it might, and will be in time, will give proper direction to the minds of the rising people of our great and growing State, many of whom will afterwards avail themselves of opportunities offered by Schools of higher order and colleges in their midst. We have already colleges and institutions of learning of a high grade incorporated in the State, and to all such I would be willing to offer encouragement. Willingly would I aid in the establishing and endowing of colleges in various parts of the country. And, Sir, by this means we would be placing a liberal education more nearly within the reach of all the children of the State.

Much has been said, during this extended discussion, about the location of the University—whether it should be East or West, at Austin or elsewhere. By the plan I suggest, the "bone of contention" would be removed. The people would foster, and encourage, and patronize their own home institutions. Those who desire to avail themselves of a college course, would find it

to their interest to attend the institutions in their own neighborhood, and this they could do without being compelled to expend all their substance and much of their time in traveling hundreds of miles to a State University, which, to locate it where you will, in a State seven times the size of the largest in the Union, would give them generally a distance equivalent to journeying across Louisiana, Mississippi and Alabama! In point of fact, locate it as you will, the expense of going to, and of remaining during sessions, would place it out of the power of the generality of the people of the State to attend it, and, for one, I am not disposed to appropriate such a vast sum for the benefit of the sons of the wealthy cotton and sugar planters, and where the boys of the humble stock-raiser, the small farmer, and the man of moderate means, could not be benefited at all.

Now, Sir, I have already said more upon this subject than I had designed doing, as I simply intended submitting a few remarks upon the propriety of postponing the consideration to a future day; but having, by frequent interruptions, been thrown off my guard, and led to remarks I would not otherwise have submitted at this late period, and after such prolonged debate, I will briefly direct the attention of gentlemen to another point, and one not hitherto alluded to in the discussion, and that is, Mr. Speaker, that exclusive State Universities, in this country, have not been able to compete with, or in other words, been as productive of good results, as colleges established and sustained by individual effort, by private association, or denominational or sectarian enterprise. Gentlemen favoring the project, during their remarks, have poented, with peculiar pride and exultations, to the University of Virginia, as the model institution, and one of the great literary institutions of the day, which should serve as a pattern for our imitation. This, it is claimed, should be in several respects the pattern one; especially has it been mentioned as the object to be established free of all sectarian influence. To this, it may be, and has, on the other hand been replied, that even this institution in its day, failed to meet the expectation of its great founder, Mr. Jefferson. Was it not, let me ask, in part, the design to exclude from its professorships all ministers of the gospel! And is it not the fact, that they

have been compelled to abandon this, the favorite measure of many of the advocates of this plan? In the various chairs will be found Rev. D. McGuffey, of the Old School Presbyterian faith, and Rev. Albert Bledsoe, of the Episcopal Church, and others!

They forget to tell us, too, how small has been the number of F. F. V's in attendance! And they also seem unmindful of the fact that the sons of the "Old Dominion" have, from time immemorial, been receiving instruction from the time-honored institutions of William and Mary, Hampden and Sidney, Washington College at Lexington, and more recently from Randolph, Macon, Pomroy and Henry, and their younger sister of Bethany. And these various colleges, founded and fostered by pious and good men, have contributed more to the diffusion of knowledge than the peculiar favorite at Charlottesville. They seem entirely unmindful of the fact that the first and foremost institutions of America are the result of private associate enterprise, and of sectarian effort. Let me point you to Bowdoin and Waterville colleges, Maine; Brown University, Rhode Island; Yale and Trinity, Connecticut; Harvard and Williams, Massachusetts; Middlebury, Vermont; Princeton and Burlington, New Jersey; Pennsylvania, with her Washington, Jefferson, Alleghany and Dickinson *et als.*; New York with her Hamilton, Geneva, Union, Columbia, and others; Ohio, with her Kenyon, Miami, Hudson, Wesleyan, *et als.*; Kentucky, with her colleges at Danville, Bardstown, etc.—and so I might proceed enumerating the various colleges and universities of like character in the land, which have been founded as aforesaid, and challenge the scrutiny and investigation of the honorable gentlemen advocating this proposition for one grand State University, to show me, in all the States which I have enumerated—in fact in any and all of the States in the Union, where like efforts have been made, the instances where the special pet, favorite and bantling of the State, with all its superior advantages, has turned out better scholars, or more of them, to reflect credit on their *alma mater*, and the State at large.

I hold it to be an utter impossibility to legislate great learning and abilities into heads to which God Almighty hath given little or no brains. Men make themselves, to a considerable extent,

and those of the children of our State who, by dint of a common school education, and attrition with their fellow scholars, acquire the elementary branches, will soon surpass the more favored, by means of higher schools and colleges already in existence in the State. Our statute books are full of acts incorporating institutions of learning in various parts of the State, and many of these the result of private enterprise and munificence, have acquired, at this early day in the State's history, an exalted position. Will the State now adopt a course of policy to break down or maim and cripple these institutions? It will either practically do this, or it will manufacture, at great expense, a great humbug! If the State University should be established, with an appropriation of one hundred leagues of land and four hundred thousand dollars, it must so completely over-tower all other institutions as measurably to withdraw public patronage from them, or it must be inferior to them, and fail of having that full attendance of pupils, which will cause it to be regarded as a complete failure!

Which course shall be pursued by you, gentlemen, that of fostering and encouraging those institutions which we already have, and inducing the organization of others in different parts of our great State, to meet the necessities of the people as they may manifest themselves, or that of concentrating, consolidating, appropriating, a vast amount of the money of the people to benefit a select few only?

Allusions have been made by several of the gentlemen who have preceded me, to the gray-haired and venerable President of Austin College, who is now here, soliciting at our hands aid for an institution already located and at work disseminating sound learning in the country. Shall his petition be heeded, or will we turn a deaf ear to the respectful request therefor. We have already in our State, in my humble opinion, the germs that may produce fruit glorious to look upon, if blessed with *seasonable* relief. Surely those who laud so highly the brave and magnanimous deeds of the pioneers of Texan civilization and liberty, will not be unmindful of the exalted service of Stephen F. Austin, the founder of the infant colony, the father of its distinctive political existence! To all who thirst and long for an oppor-

tunity to show their high regard for literary institutions, I commend Austin College, at Huntsville, and also can point to many other worthy objects in successful operation, such as Baylor University, at Independence, Tyler University, in Smith county, Forshey's Monumental Institute, at Ruttersville, Marshall University, Aranama College, I believe the Institution in the district in the far South West, represented here by one of the brave survivors of Fannin's Massacre, Dr. Bernard, of Goliad, Bastrop College, Mackenzie Institute, and others of like character, called into being by citizens of the State impelled by a laudable desire for the increase of knowledge and the dissemination of literature, religion and sound morality throughout the land.

Believing that upon the education of the people will depend the perpetuity of our government, and looking entirely to the general diffusion of knowledge for the permanency and prosperity of our Institutions, I will be found ever ready to aid in such legislation as will serve to promote this; and whatever will elevate the standard of common school education or promote the success of Colleges and Academies already, or that may be hereafter incorporated, in my humble opinion, should receive encouragement at our hands.

Having trespassed upon the patience of the members far beyond my expectation upon taking the floor, I can but hope that the motion to postpone may prevail, and that upon further discussion of this very important subject, we may be enabled to adopt that course of policy which will redound the most to the credit of the State and the benefit of the people.¹

AN ACT

TO BE ENTITLED AN ACT SUPPLEMENTARY TO AND AMENDATORY OF AN ACT PROVIDING FOR THE SUPPORT OF SCHOOLS,
APPROVED 29TH AUGUST, A. D., 1856.

Section 1. *Be it enacted by the Legislature of the State of Texas:* That the fourth section of the above recited act shall hereafter read as follows, viz.:

¹*State Gazette Appendix*, 1857, Vol. 2, 27-29; Benedict, H. Y. *A Source Book of the University of Texas*, 105-110.

All schools which avail themselves of the benefits of this act, are declared to be public schools; and the County Court of each county shall annually apportion the School Fund among children of scholastic age, who attend such public schools, in the following manner:

They shall first pay the tuition of all children whose parents or guardians are unable to pay the same; of orphans whose tuition has not been paid, and of the children of widows who have no greater amount of property than is secured by the Constitution and laws of the State from forced sale, and who choose to avail themselves of the benefits of this act.

After paying, as aforesaid, the tuition of those classes of children, the balance of the fund shall be apportioned among the paying patrons of the several public schools, in proportion to the time each child has attended school, without regard to the amount which may have been paid to the teachers by each paying patron.

Sec. 2. The fifth section of the above recited act shall hereafter read as follows, viz.:

Every teacher who claims the benefit of this act, shall make a report to the County Court, setting forth:

1st. The names of all the patrons of his school.

2d. The names of all the scholars who attend his school.

3d. The number of days which each and every scholar has attended school.

4th. The amount which has been paid by the patrons of the school, upon the tuition of each and every scholar.

5th. The names of all such persons, being patrons of the school, as are entitled to the benefits of this act, whether on account of inability to pay, or as paying patrons entitled to a pro-rata interest in the distribution of the fund. The report thus furnished shall be examined, revised and corrected by the County Court, in such manner as to show with accuracy the names of such children as are orphans or the children of widows and whose tuition has not been paid, and the names of the paying patrons, and the full amount of all tuition money paid from allowances, and no school shall receive any benefit under this act, which has not been taught at least three

consecutive months, which shall be established by the oath of the teacher, sustained by the evidence of two respectable paying patrons of the school.

Sec. 3. The sixth section of the above recited act shall hereafter read as follows, viz.:

The county Treasurer of each county shall give bond, with two or more securities, payable to the county, in twice the amount of the school fund to which the county shall be entitled, so soon as the Chief Justice shall be notified by the Treasurer of the State of the amount which his county is entitled, which bond shall be conditioned that he will, well and faithfully, keep an account of the money to him committed, as a school fund for his county, and pay over the same only upon the order of the Chief Justice of the county, under his hand and the seal of the County Court. He shall keep an accurate account of all monies received and paid out by him, to register and number all orders by him paid or accepted to be paid. He shall, between the first and tenth of the fiscal month of the Treasury of each year, renew his bond; and all suits upon such bonds shall be in the name of the county, and in other respects they shall be governed by the laws regulating the bonds of County Treasurer.

Sec. 4. The seventh section of the above recited act shall hereafter read as follows, viz.,:

The Treasurer of the State shall be ex-officio Superintendent of Schools. It shall be his duty, after the first day of the fiscal month, in each and every year, to record the abstracts of children of lawful age in different counties, apportion the moneys as herein contemplated, distributing to the several counties the amount to which each is entitled, according to its scholastic population. And it shall be the duty of the Treasurer to keep a correct account of all the monies and matters appertaining to the school fund, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, distribution of monies, and such suggestions in regard to the school system as may be deemed advisable. That the fiscal scholastic year shall commence and end upon the fiscal year of the State Treasury; that the County Court

of each county, after ascertaining the scholastic population, shall make a return of the same to the State Treasurer, who, upon the order of the County Court, under the seal of their offices, shall pay over to said County Courts, or their order, their distributive shares of the interest of the school fund.

Sec. 5. That the County Courts shall allow, as the regular rate of tuition, a sum not to exceed ten cents per day for each scholar who may take the benefit of this act, and the act to which this act is a supplement.

Sec. 6. The amount which any teacher may be entitled to receive under the provisions of this act, shall be paid to him by the County Treasurer, upon the order of the Chief Justice, and when a distribution is ordered among the paying patrons of a school under the provisions of this act, there shall be appointed by the County Court at least two responsible householders, patrons of the respective schools, who shall distribute the fund to each one entitled under the provisions of this law, and make a report of their action to the Court at its next session.

Sec. 7. In every case where a school claiming the benefit of this act is attended by scholars who reside in a county other than that in which the school is taught, the teacher of such school may report to the County Courts of the several counties where the scholars reside, and shall be entitled to a distributive share of the county school fund, in the same manner as if the school were taught in the county of the residence of such scholars.

Sec. 8. That there shall be appointed by the County Court of each county, a Board of School Examiners, consisting of three persons, who, shall, upon application, examine all persons proposing to teach public schools, within the limits thereof, and upon finding, upon such examination, such applicant properly qualified to discharge the duties of a teacher, shall grant him or her a certificate, stating the branches he or she is qualified to teach; and no person shall draw any of the money set apart for school purposes under the provisions of the School law, unless authorized, by certificate as herein provided, to teach a public school.

Sec. 9. That the eleventh section of the above recited act shall hereafter read as follows, viz.:

The provisions of this act, so far as relates to the appointment to be made by the County Courts, shall extend only to such children as are actually sent to schools of the State within the county; and no school shall be entitled to the benefits of this act, unless the English language is principally taught therein.

Sec. 10. That the Treasurer of the State shall furnish forms for reports of teachers, and of the several County Courts and County Treasurers, which forms shall be followed in making their several reports. And the said Treasurer shall cause a sufficient number of said forms, together with this law, to be printed, as will furnish ten copies for each County Court in the State.

Sec. 11. Any teacher of a public school, who has taught the same for three months, and desires to avail himself of the benefits of this law, may apply to the County Court in advance of the annual apportionment of the school fund to be made by them, and, upon such showing as will satisfy the County Court that the same can be done without interfering with the annual apportionment afterwards to be made, the said County Court may order a partial payment to be made to such teacher of the amount to which he would be entitled under this law.

Sec. 12. That this act take effect and be in force from and after its passage.

Approved, February 5, 1858.¹

¹*An Act Providing for the Support of Schools, or as much thereof as is still in force, Approved August 29th, 1856. Also, An Act Supplementary to and Amendatory of an Act to Provide for the Support of Schools, Approved February 5th, 1858. With Instructions and Forms for the use of School Officers, 7-12;*

Gammel's *Laws of Texas*, Vol. 4, (996-999);

General Laws of the Seventh Legislature of the State of Texas, 124-127.

MESSAGE OF GOVERNOR RUNNELS TO THE SEVENTH LEGISLATURE December 27, 1858.

Runnels was governor from December 21st, 1857 to 1861.

Gentlemen of the Senate and of the House of Representatives:

.....

The recognition of the principle that the education of the youth of the State, as far as practicable, shall be procured at the public expense, has been fully established by the Constitution in directing the establishment of common schools. That system will answer a most desirable purpose as at present carried out. The distribution of the fund will greatly aid in establishing schools, and it is evident that all will avail themselves of the advantages these schools will afford for the instruction of their children, because of their convenience and an unwillingness of a large majority to incur the expense of sending to institutions where a more thorough education can be obtained.

You can, however, expect from these common schools little to be taught beyond the rudiments of a plain English education, (consisting of reading, writing, English grammar, and arithmetic) which are indispensable to the transaction of business in the ordinary avocations of life, but the question naturally arises, will the common school system answer all the requirements of our people? I think not. The system is incomplete without something more. It has been truly said, that the advantages of popular education are more widely diffused among the people of the United States than any other Government on earth, but that they do not rise in the ascending scale, and are found deficient in the higher branches of science and literature. The liberality of the early patriots of Texas was prompted by a wise and generous policy in providing for a system which will ensure the advantages of education, both in establishing a University fund, and in the endowment of common schools by donations of lands. These lands, according to the best information, have been nearly all

located, and especially the University lands are now becoming immensely valuable.

By enactment of the last legislature, these lands were directed to be sold, preparatory to carrying out the objects for which they were intended. I am informed that there has, as yet, been no order for their sale, on account of the returns of the surveyors not having come in. The sales will probably take place some time during the ensuing year. It is now a question for the Legislature to determine whether they will take the final steps for carrying out the objects of the law. If it is ever intended to do so, I cannot see any good reason for further delay. The Representatives of the people are probably as well qualified for the task at this time, as they will be at any future period, and such action seemed to be looked to in the passage of the act providing for the sale of the lands. The same feeling of discontent and opposition may be expected to prevail hereafter, and prevent action as well as now. The idea that such an institution will be for the benefit of the rich only, and beyond the reach of the poor, is surely founded in fallacy, and as conveying a dangerous and improper feeling of jealousy and prejudice to the minds of a portion of our fellow-citizens, should never be encouraged or countenanced in a government like ours, based upon the obligations of mutual rights and mutual dependence. Our predecessors legislated for no one class on the subject of Education, but for all, and intended the advantages flowing from it to be extended to all; they have provided both a common school and University fund, and plainly stated in the acts of endowment what they intend.

But we have no permanent poor class. The large return which labor yields, the cheapness of our lands, the beneficence of our institutions, all forbid such a result. The poor man of to-day may be the rich one of to-morrow; such changes are continually going on in our midst. The means then of obtaining a higher degree of learning in all the branches of education, will be equally in the reach of all, who practice frugality, economy and industry. Another reason why we should desire the early establishment of such an institution, is to be found

in the tendency which it will have to elevate the standard of moral and literary excellence, in those who may attend it, and in giving tone and character to public sentiment throughout the State. If it should be determined at your present session to establish the institution, I would suggest the propriety of connecting therewith, a Normal School, for the education of teachers of the common schools. The tuition to be gratis, and the scholars to be selected from the different portions of the State in such number and upon such terms and conditions as may be provided by law. The studies of this school should be prescribed and confined to the useful and practical branches of education, not omitting mechanics and agriculture. It is easy to perceive the good that may flow from such a branch of a University in the number of qualified teachers it would afford annually, to every division of the State. It would not be amiss to authorize the selection by professors of the institution of a small number from this school, to free scholarships in the University; the privilege to extend only to those of marked virtue and morality, and distinguished for talent and proficiency in their studies. Should the Normal branch not be established, then a few free scholarships should be provided for, to be selected from every portion of the State, and in such a manner as may be directed.

In this connection I would call your attention to the very able and elaborate report of James H. Raymond, Treasurer and ex-officio Superintendent of Common Schools. He suggests several important and salutary amendments to the law, which, from the brief examination I have been able to give, seem necessary to perfect and render useful the system which has been begun. It is not to be questioned, that the system is indebted for its origin to the difficulties which present themselves to the poor and indigent, in obtaining those advantages of education which should be within the reach of all; and that construction should be given to the law which will most accelerate its object. As will be seen from the report, different constructions have been given to the law in various counties. The adoption of the suggestions of the report will give it that uniformity, definiteness and precision, which is the most that

is now required to perfect the system, as well as it can be done, under the means provided for its support at our disposal.

EXECUTIVE OFFICE,
AUSTIN, DECEMBER 27, 1858.

H. R. RUNNELS.¹

MESSAGE OF THE HON. HARDIN R. RUNNELS
Governor of Texas.

Printed by Order of the Eighth Legislature, 1859.

*Gentlemen of the Senate
and House of Representatives:*

.....

Some time during the month of July 1858, I received information through the Commissioner of the General Land Office, of the completion and return of the maps, field notes, &c., to that office, of the subdivision of the University lands under the provisions of the act approved August 30, 1856, requiring their sale. John Henry Brown, Esq., a gentleman fully qualified in every respect, was appointed and received his commission on the 30th of July 1858, as the agent of the State for the performance of that duty. His report, marked "A", is herewith submitted, from which it will be seen that the sales amount to 58,523 acres, representing a value of \$195,653.22. I invite your especial attention to this report so that such Legislation may be had therein as shall be deemed necessary. There being no appropriation available for the purpose, I am constrained to ask the Legislature to make provision at an early period of the session for payment of the salary of Commissioner, and incidental expenses attending the sale. Pursuant to the act of 30th August, 1856, establishing the University of Texas, and it now only remains for the Legislature to take such final action upon the subject as shall be thought proper. I do not deem it necessary to remark further—either upon the object or the advantages to be derived

¹*Message of Hardin R. Runnels, Governor of the State of Texas, Printed by Order of the Seventh Legislature, 21-24.*

from the location of this Institution in our minds after having discussed the matter so fully, soon after my induction into office. If I did, I should seek in vain anything more appropriate than is to be found in the report and preamble to the act of the last session. Whether the present shall be deemed a fit occasion for the permanent location of the Institution, must of course depend upon the discretion of the representatives of the people, who are presumed to reflect most accurately their will. If, however, the time should be deemed premature, and a further postponement determined on, then it is to be hoped no rash means will be adopted blighting the prospects, and disappointing the hopes of those who have ever regarded the subject with so much anxiety and concern. With sincere and heartfelt regret, I have witnessed feelings of mutual and sectional hostility springing up in the minds of persons of different sections, however unjust in their causes, and pernicious in their effects. If they have been predicated upon views of economy, they are alike erroneous and unfounded, because the chief property of the Institution consists of land set apart, located and surveyed by the authorities of the late Republic of Texas, and which the State now holds in trust for this specific object; over which her authorities can rightfully exercise no other control than to provide for its faithful application to the object for which it was set apart. It is not the property of the State, except for the uses and benefits for which it was appropriated. Again, the establishment of either the one or of two such Institutions as was originally intended, does not necessarily depend upon the appropriation of a dollar from the Treasury. The original fifty leagues of land set apart for the purpose by the Texas Congress might be considered ample, under wise and prudent Legislation. Taking the sales of the past year as a fair estimate of their average value, they would now realize near eight hundred thousand dollars; and there is every reason for inferring that within the next five years those remaining unsold will receive an accession to their present value of not less than twenty-five (or perhaps fifty) per cent. But in addition to this when it is remembered that at the last session of the Legislature, there was super-

added every tenth section of the lands reserved to the State surveyed by Railroad companies, there cannot remain a doubt of the future sufficiency of the land for any object falling within the scope and purview of the Institution. As any action which may be taken this session, will probably be final, I invite your most earnest attention to the question of establishing one or two of these Institutions, hoping that whatever may be determined upon will redound most to the public advantage, and at the same time secure the fullest measure of satisfaction.

In taking leave of this subject, I cannot forbear expressing the opinion that there is no cause of conflict between the respective advocates of this measure, and those of common schools. They were both provided for by the Congress of the Republic, and neither of them have failed to receive a just and liberal consideration from the State Government. It cannot be believed, that all this has been done without some fair understanding, which was observed by the Convention which framed our present Constitution, in providing that each new county formed thereafter should be entitled to the same quantum of land as the old, and one-tenth of the annual revenue collected by taxation appropriated to the purposes of common schools. If there has been any advantage given or partiality shown by the State Government, it is clear to which it has been without going into detail. It is sufficient that good policy be observed, and that justice be done. The State occupies the relation of trustee to the property of both; each alike present claim to her justice and consideration. Then let not her faith be tarnished by a division of the property which belongs to one, to the other; a measure which will be sanctioned by no principle, either of morals or law. The feelings engendered by a controversy between these interests if fomented by the Legislature, will result in disaster and odium to both, and possibly involve the consequences of that system of class Legislation which was guarded against with most assiduous care by its framers, and is more to be deprecated than any other arising under free government.

Our system of common schools, though not extending its advantages as thoroughly as could be desired, for want of

adequate means, approximates as nearly to the attainment of the end desired as any that could be established in a country so sparsely populated and undeveloped as ours. From the report of the Treasurer and ex-officio Superintendent, it will be seen that the sum for annual distribution amounts to \$113,609.04 and the scholastic population of the State to 101,081 in number which if distributed per capita would be \$1.12½ to each. By amendment to the general law, passed at the preceding session of the Legislature, the mode of distribution was changed and the monies directly applied to the poor and indigent; and if this class does not now receive the benefit of its disbursement, ignorance or wilfulness can be the only cause. I can see no reasonable objection to a continuance of this plan for the present, and at least until the sum for disbursement shall have been largely increased. The foundation of the system rests in the policy of providing the means of education for the dependent and indigent, and although strenuously objected to by those most urgent for the early inauguration of the system, this plan has been found, from the experience of two years, to be the only one from which practical and beneficial results are to be expected. It is not for those who are able to provide for the education of their own children to object, since the means by which it is maintained have been set apart by the constitution and subsequent law, without the imposition of any new burden upon the people for its support; and these it is hoped, will not be resorted to by this or any future Legislature. An increase of taxation for this purpose would be not only useless but oppressive and unjust; useless because in pursuit of an idle and impracticable theory which an increase of the present rate of taxation three-fold would not accomplish in our present local and geographical condition; oppressive and unjust because inequitable in the manner of its collection and distribution. It must be clear to every one that there are no means within the reach of the Legislature at present by which a thoroughly efficient fund can be provided for general distribution without such an abuse of the taxing power as the productive interests can not well withstand, and which, if resorted to, will be endured with the greatest

impatience. I have never believed that there was any validity to the objection to the annual distribution of the ten per cent of the revenue collected by taxation and set apart to this object. Under the present law, the interest only is appropriated, and the principal set apart for investment. It is worthy of consideration, whether this should not be changed, and the \$31,000 annually accumulating from the annual taxes of the people, given that direction so plainly intended by the Constitution.

Nearly one-half of the two millions appropriated, the interest on which is set apart for purposes of education, has now been loaned to Railroad companies, and drawn from the Treasury under the Act of September 1856, and although secured by bond and mortgage on the road beds, it is useless to deny the truth that a feeling of insecurity pervades a large portion of the public mind. This grows out of the apprehension that the companies will not meet their engagements promptly, and that the Legislature may at some subsequent period relieve their condition, and finally, under the pressure of complications, relinquish both principal and interest to the corporations. This apprehension is, strengthened by the example of other States in a similar condition, as well as by the past action of our own Legislature, both of which afford sufficient premonition of the danger to be incurred. It is a fact not to be questioned by any discriminating and informed mind, that the influence of the corporations is greatly on the increase, and that perhaps it already exercises a more controlling effect on the legislation of the State than all others combined. Viewing the subject in this light myself, I feel it to be my bounden duty to recommend, if possible, some measure which will prevent, by any possibility, the occurrence of such a calamity. No other presents itself to me than an amendment to the Constitution prohibiting the interposition of the Legislature for their relief. This is a question which appeals so directly to every feeling of self-preservation and duty, to every sentiment of philanthropy, patriotism and justice, that I can see no good reason why it should not be submitted to the people for their action. It is true the corporations may oppose it, but surely they can-

not be sufficiently strong thus early to exercise a controlling influence over the action of the Legislature on this subject, or to endanger its adoption, if submitted by that body to the people. In conclusion of this important matter, I have only to add, that if it be deemed worthy of consideration it should not be delayed beyond the termination of your present session.

The subject of internal improvements, and especially that branch of it which relates to the building of Railroads, continues to increase in importance, and will do so until the wants of our varied commerce and agriculture shall have been supplied with the facilities of ready transportation to market. Continuously and in regular progression for the past six or eight years private interests have from different motives been involved, until there is now good reason for the opinion that there are few counties in the State, some of whose citizens are not directly and personally interested in some one or other of the Railroad schemes projected in different portions of our State. These in connection with the fact that the State is representing in her behalf the whole people, and upon certain prescribed conditions, is become the greatest contributor, should afford sufficient incentive to induce your most calm and deliberate consideration of the whole subject.¹

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REPORT OF THE STATE SUPERINTENDENT

Treasurer's Office,

Austin, Sept. 1, 1859.

To His Excellency, H. R. Runnels,

Governor of the State of Texas:

.....

I do not approve of the practice of changing our laws by successive Legislatures; nevertheless, it is always advisable to make such changes as wisdom and experience may dictate.

Under the present system the "indigent" are the beneficiaries of the School Fund; and this, of itself, is reason enough why it should be continued.

¹Journal of the House, 1859, 26-30.

Thousands of poor children are annually thrust upon society, who, if not cared for, and educated, often become the veriest pests of society, and fill our prison-houses with wretchedness, and our penitentiaries with degraded convicts. Let us educate such children, and store their minds, in early youth, with the principles of virtue, and, doubtless, many of them will become ornaments of society.

It seems to me that we should, by all means, continue our present system; improve it as experience may suggest, and make such additions to the fund as sound policy may dictate, and in a few years we will be able to educate every child in the State.

We are fairly and fully committed to the support of common schools; we cannot retreat from our present position, nor can we stand still. Let us, therefore, labor for a glorious future.

No people can become prosperous and happy without a virtuous education. It is admitted by all philosophers that "virtue and intelligence are the main pillars in the Government of a free people." All agree that "nations are happy and prosperous in proportion as they possess virtue and intelligence."

Very little can be accomplished by penal enactments against vice and crime—the legitimate fruits of ignorance. These, and all the means of coercion, in the form of jail, &c., are powerless without the aid of higher instrumentalities.

I cannot close this report without calling attention to the propriety of creating the office of Superintendent of common schools. Such an officer would materially aid the cause of education. It seems to me we need an officer whose whole time should be devoted to the advancement of our common school system; to collect statistics; visit as many counties as possible; confer with teachers, patrons and such others as may be willing to communicate information. The additional expense would be trifling consideration compared with the good results that would follow.

Very respectfully,

Your obedient servant,

C. H. RANDOLPH

Treasurer and ex-off. Sup. C. S.¹

¹*Report of the Treasurer and ex-officio Superintendent of Common Schools, of the State of Texas, for the fiscal year ending August 31, 1859, 6-7.*

EXTRACTS FROM REPORTS OF COUNTY COURTS

BOWIE COUNTY.

“I do not feel competent to make suggestions relative to the working of the School law; at least, I would make them very moderately.

“As the law works at present, I am of opinion that much the largest portion of the School Fund finds its way into the pockets of those amply able to pay for the schooling of their children; at least that has been the result with us, and if the restricting it to the exclusive benefit of those unable to pay would have the effect of inducing competent teachers to go into remote distances and dark corners, it would be well that it was so arranged.

“Where the ‘Almighty Dollar’ is, men gravitate that way. True, that as the law is, that class is to be first paid, but if they were the only class to be paid, would not the Fund accumulate so as to produce the result”?

R. M. LINDSAY,
Chief Justice Bowie County.

BRAZORIA COUNTY.

“It will be seen that 159 children of scholastic age were taught in Brazoria county during the scholastic year ending August 31, 1858, of whom fifty-five were of that class designated by law ‘unable to pay’, and that the whole amount in the County Treasury for distribution—less the commission—was consumed in payment of this class, leaving nothing for ‘paying patrons.’”

S. W. PERKINS,
Chief Justice Brazoria County.

CASS COUNTY.

“I would recommend that the Special School Fund should be set apart for the benefit of the indigent.

“There is a large number of paying patrons that receive less than fifty cents each, and some that draw only five cents.

“It is the universal opinion of every person that I have conversed with on the subject, that it would be better if the Fund was set apart for the benefit of the indigent and them alone, it would do some good; whilst on the other hand, it does the paying patrons very little or no good at all.”

CHARLES AMES,
Chief Justice Cass County.¹

COMAL COUNTY.

.....

“An allowance of eight and a half cents per diem to all schools, without distinction, for each child exempt from paying under the different classifications, having taken almost the whole amount this county received as its portion of the School Fund, no pro rata apportionment has been made of the small balance, \$20.70, but it was deemed advisable to lay it over for next year’s distribution. In order to ascertain the ability or inability of patrons to pay, the tax roll has been consulted, and lest any of those who would legally come under the head of ‘indigent,’ should feel any reluctance to avail themselves of the benefit of the law, inquiries were instituted as to their individual views on the subject, when several refused to be classed as unable to pay. Then, only, were the teachers required to swear to the correctness of their report.²”

GUADALUPE COUNTY.

“It is to be regretted that the Act of February 5th, 1858, in the first Section, is not more definite as to who are ‘patrons unable to pay.’”

“The County Court of this county understood the inability referred to, to be such a lack of good things of life, as would secure the patrons from execution for tuition; but the letter of the law does not confine this inability to the possession of no more than the law exempts from execution; and the County

¹*Ibid.*, 26-27.

²*Ibid.*, 27.

Court of this county felt very sure, in several instances, that the teacher, in making his tabular statement, had put his own construction upon this section of the Act. It seems that the law ought to be amended in this particular, so as to require the patron, who claims by virtue of his inability, to make oath in writing before some officer, that he possesses no more than the law exempts from forced sale. This would relieve the teacher of a delicate and disagreeable task. Not only so, but it would secure, with much greater certainty, the just amount due those who are truly the beneficiaries of the law. The Act of 1858 extends full benefit to 'orphans whose tuition has not been paid,' without regard to the estates of such orphans. This, it seems, is a preference of a class without any good reason, and is an injustice to poor 'paying patrons' and 'patrons unable to pay.'

"The first Section of the Act of 1858 is very obscure, and if on no other account than this, should be amended.

"Further than the objections above stated, the County Court of this county finds nothing to say against the school law; but on the contrary, esteem it full of very good common sense."

HENRY MANEY,

Chief Justice Guadalupe Co.

FAYETTE COUNTY.

"We are aware of the fact, that it is exceedingly difficult to enact a school law that would meet the views of all localities, even in a State much smaller than our own, and that it requires not only a very extensive knowledge, but a peculiar talent to fit a man for the task of maturing a good system of public schools, and we are of opinion that the best method to attain the desired end, would be for the State to employ a Superintendent of public schools, at a salary sufficient to enable him to devote his entire time to the subject, and also to secure the best talents the State can afford. He would then be enabled to visit the different sections of the State—and it should be made his duty to do so, and learn the wants, condition and necessity of the people. We think the State would be fully compensated for the necessary expenditure, and if it was thought advisable, after a

system had been matured and put into practical operation, the office might be dispensed with.

.....

“By the first section of the amendatory Act of February 5th, 1858, the County Courts are required ‘to apportion the School Fund among the children of scholastic age,’ in accordance with the provisions of said act. We are satisfied that this provision is calculated to create dissatisfaction, jealousy and heart-burnings among the citizens of the county. In the first place, it is a violent presumption to suppose the County Courts to possess a personal knowledge of the pecuniary condition of every individual in the county, and we have found by experience that the assessment roll is but a secondary evidence, and that of a very inferior quality, hence, the County Courts must depend in a great degree upon the reports of the teachers, and it seems that neither teachers nor patrons consider themselves as testifying to the inability of any one to pay who is returned on the list as indigent, and the fact that it is a convenient method of collecting tuition fees, together with a desire to please their patrons, perhaps superinduces some teachers to crowd as many on the indigent list as possible. Some of the teachers have remarked to us in conversation about their reports, that they place such and such individuals on the indigent list, because they themselves desired to be placed there. It will thus be seen that the unprincipled, and those who are destitute of that personal pride which should mark the character of every citizen, are the ones who are most likely to receive the benefits of the Fund. Under the operation of this section (as will be seen by our report) we have just distributed \$1,614.66. Of this amount three beats alone have received \$1,087.79, leaving the sum of \$526.87 to be distributed among nine beats, one beat, containing a voting population of eighty or ninety, which according to the usual average, would give a free white population of near four hundred and fifty, has not received a dollar, yet that beat needs the Fund as much in proportion to its population, as any beat in the county. The three beats above referred to, contain about half the population of the county, and much more than half the wealth, and need the

School Fund as little in proportion to population, as any other parts of the county. From these, and other reasons that might be urged, we are of opinion that the County Courts should be required to distribute the Fund among the different beats in proportion to the scholastic population of each. This might be accomplished by allowing each beat to select three School Commissioners, and in the event of their failure to do so, then make it the duty of the County Court to appoint three Commissioners for each beat so failing. These Commissioners should appoint one of their number as Treasurer, who should be required to give bond to the County Court for the faithful performance of his duties.”

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I. B. McFARLAND,
Chief Justice Fayette County.

.....

LEON COUNTY.

“Our schools are rather partially organized as yet. Some neighborhoods have no schools organized, being too thinly settled, so there is not much equality in the distribution at this time. It is to be hoped that it will be remedied as the county becomes more densely settled. As we have had the money in the Treasury, I could not object to its being appropriated to education, but would never consent to tax men for that purpose. Men should educate their children in their own way, with their own means. Means should be raised for the indigent children, but no farther.

I think for the honor and benefit of the State we should have a University.”

ISAAC F. WOOD,
Chief Justice Leon County.

LIBERTY COUNTY.

“As there was money sufficient to pay ten cents per day for the tuition of all the children, who attended school, we have

made no distinction between "indigent," and "paying" scholars in this report."

.....

VICTORIA COUNTY.

"It will be perceived that only three schools in this county have returned their tabular statement and claimed the benefit of the amendatory act of February 1858. There are other schools in the county which have either no indigent children in attendance, or which have not been required by those patronizing them to comply with the statute. Hence, our pro rata distribution it will be seen, reaches ten cents per day for paying patrons to those schools which have availed themselves of the law. The county court of this county are of opinion that six years is too young, for any, or much benefit to the recipients of this bounty; they may be disciplined somewhat, but very little instruction is imparted at so early an age; eight or nine years would be young enough to start them—they are chiefly the children of German parents with us that make up the indigent list.

"The 1st section of the amendatory act, provides, that the tuition of children whose parents or guardians are unable to pay, shall be paid in full, i. e., ten cents per day; that the tuition of orphans which has not been paid, shall be paid in full, or the same pro rata per day. Did the Legislature intend that the tuition of orphans in independent circumstances should be paid when the guardian had not paid? for no payment will ever be made, however wealthy the children, if the obligation rests on the county court to pay it out of the fund provided by the State."

WILLIAM RAGLAND,
Chief Justice Victoria County.¹

MUNICIPAL EFFORTS TO ESTABLISH SCHOOLS

AN ACT

To authorize the Corporation of Galveston to levy
a tax for the support of Free Schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporation of the city of Galveston, are hereby

¹*Ibid.*, 29-37.

authorized to levy and collect a tax, not to exceed one-half of one per centum on the real estate within the limits of said corporation, for the establishment of public free schools.

Section 2. Be it further enacted, That the schools above provided for, shall be under the supervision of a board of trustees, three from each ward, who shall be the payers of the school tax, at the time of the municipal elections, (except the first board, who shall be elected under the proclamation of the Chief Justice of the county, within ten days after his reception of an official copy of this act,) and that the mayor of said corporation, shall be *ex-officio* chairman of the board of school trustees.

Section 3. Be it further enacted, That at the same time when the first election for trustees, under the previous section is held, a poll shall also be held, at which the holders of real estate shall be permitted to express their assent to, or dissent from the provisions of this act, and if more than one-fourth of all the votes given at such poll, shall be against the same, this act shall thereafter be null, and of no effect.

Section 4. Be it further enacted, That this act shall take effect from and after its passage.

Passed, April 2nd, 1846.¹

AN ACT TO ESTABLISH AND INCORPORATE THE
CITY OF CORPUS CHRISTI.

.....

Sec. 8. Be it further enacted, That the Mayor and aldermen shall be *ex-officio* the agents, overseers, and superintendents of the Common School or Schools that may be established in said city with full power and authority to expend annually all such funds as may be raised or received by taxation, or otherwise for the establishment and support of said school or schools.

Approved, 25th April, 1846.¹

AN ACT TO ESTABLISH PUBLIC FREE SCHOOLS IN THE
COUNTY OF GALVESTON.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the County of Galveston, shall,

¹Gammel's *Laws of Texas*, Vol. II, (1437).

at the time they levy a county tax, add thereto a tax for the support of Public Schools hereby established in said county, on all real and personal property liable to taxation for State and county purposes in said county, and it shall be assessed and collected by the Assessor and Collector of State and County taxes at the same time and in the same manner that the county taxes are; provided, that said tax shall not exceed in any one year, the fourth of one per centum on the value of the property taxed.

Section 2. - Be it further enacted, That each Ward in the City of Galveston, shall constitute a School District, and shall be entitled to two School Trustees; and all that part of Galveston Island not embraced within the corporate limits of the City of Galveston, shall constitute a school district, and shall be entitled to two trustees; and all that part of Galveston county lying North and West of Galveston Bay, shall constitute a school district, and be entitled to one trustee; and all that part of Galveston county lying East and North of Galveston Bay, shall constitute a school district, and shall be entitled to one trustee.

Sec. 3. Be it further enacted, That all the qualified electors for the county of Galveston, shall be entitled to a vote for school trustees in the respective wards or precincts where they reside; and the board of trustees shall be elected for the term of two years, excepting as hereinafter provided, to-wit: the first board of school trustees elected in pursuance of this act, at their first meeting and organization, shall cause the trustees from each ward or precinct having two trustees, to determine by lot the time they shall serve, so that the first class, or one from each ward or precinct shall go out of office at the termination of the first year; and the second class at the termination of the second year; and the Chief Justice of Galveston County shall order all elections for school trustees, and to fill vacancies to take place on the first Monday in the month of March of each year, excepting the first election held under this act, which shall be ordered to take place within twenty days after a certified copy of this act is in the hands of said Chief Justice; and all the trustees elected at the said first election, shall continue in office until their successors are duly elected at the annual election in the year eighteen hundred forty-nine; and said elections for school trustees shall be held at such places in each ward or precinct herein

named, as shall be designated by the Chief Justice in ordering elections, and shall be governed by the laws of the State regulating general elections so far as the same are applicable hereto.

Sec. 4. Be it further enacted, That the Chief Justice of Galveston County, shall be ex-officio President of the Board of School Trustees, and shall preside at all of the meetings of the board when present; but in case of absence, refusal or inability to preside, the board shall elect from their own number, a President pro tempore, to preside and to perform all other duties incumbent on the President of the Board of school trustees; and in case of any other vacancy in the board, by resignation or otherwise, the board shall fill any such vacancy, until the next annual election for school trustees from the qualified electors in the ward or precinct where the vacancy occurs.

Sec. 5. Be it further enacted, That the board of school trustees shall have the supervision and control of the public schools, and they shall make such rules and by-laws for their own government, and that of the schools, as they may deem best, and alter and amend the same at their pleasure; and it shall be the duty of the board of school trustees, to report annually to the County Court, at least three days before the time of levying the tax, provided for in the first section of this act the condition of the public schools; the number of pupils admitted and instructed; the average number that have attended the schools; the number of teachers employed; the various branches of learning taught in the schools the preceding year; also the amount of revenue received, and from what source; the amount expended and in what manner; and they shall, also, submit an estimate of the cost of conducting the schools for the ensuing year, on the most economical plan; and it shall be the duty of the board of school trustees to keep a record of their proceedings; and such record shall be open to the inspection of any school tax payer in the county of Galveston at all times, and any five members of said board of school trustees shall constitute a quorum, and shall have full power to transact all business appertaining to said board.

Sec. 6. Be it further enacted, That the Trustees of the public schools shall establish in each ward or precinct at least one primary school, provided, that there can be assembled conveniently

in said ward or precinct a school of twenty-five pupils or upwards, and that a suitable building can be procured in the ward or precinct, for their accommodation; and further provided, that in case either of the precincts lying North and West of Galveston Bay, and East and North of Galveston Bay, as specified in section second of this act, shall fail or refuse to assemble the number of pupils herein required to constitute a school, then said precinct or precincts shall be exempt from taxation under the provisions of this act.

Sec. 7. Be it further enacted, That every minor or child over five years of age, and under sixteen years of age residing in Galveston county, may be admitted on such terms and regulations as may be adopted by the board of school trustees, into the public schools herein provided for, and shall enjoy the privileges and immunities of said schools.

Sec. 8. Be it further enacted, That the County Court for the county of Galveston, may, from time to time, so alter and change the school districts in said county as they may deem best, provided, that said change shall tend to equalize the population in each district, and render it more convenient for the citizens, and that no greater number of districts be made than are provided for by this act; and said County Court shall also have power to borrow money in anticipation of the school taxes for the current year, to carry on the schools until the taxes are assessed and collected; and it shall be the further duty of the County Court to notify the board of school trustees, so soon as they have levied the tax for the support of the public schools for the year, of the amount of revenue that may be reasonably expected from said tax; and it shall also be the duty of the County Court to see that all funds belonging to, and appropriated for the support of the public schools, and placed in the hands of the County Treasurer of Galveston County; and it shall be the duty of said County Court to take ample security for the same.

Sec. 9. Be it further enacted, That all payments to teachers, and for incidental expenses of said schools, shall be made by a draft on the County Treasurer, signed by the President of the board of school trustees, and countersigned by one or more of the committee of accounts, which committees shall be erected as

a standing committee, whose duty it shall be to examine and audit all accounts, and every draft shall be accompanied by a specification, designating what the same was drawn for.

Sec. 10. Be it further enacted, That at the same time when the first election is held for school trustees as contemplated and provided for in the third section of this act, polls shall also be held at which every qualified voter for county officers for Galveston shall by vote, be permitted to express his assent to, or dissent from the provisions of this act; and in case a majority of the votes then given in, shall be against the same, this act shall thereafter be of no effect.

Sec. 11. Be it further enacted, That all laws, and parts of laws, that in any way conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect from and after its passage.

Passed, January 24, 1848.¹

AN ACT AUTHORIZING THE TRUSTEES OF THE SEVERAL
SCHOOL DISTRICTS OF THE SEVERAL DISTRICTS OF
COMAL COUNTY TO LEVY AND COLLECT A
SPECIAL TAX FOR SCHOOL PURPOSES.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Comal, are hereby authorized and required to levy in the several School Districts of said county, a special tax for school purposes: Provided, That the inhabitants of each district to be taxed, shall consent to such taxation by a vote as prescribed in the second section of this act: and provided further, that said tax shall not be of greater amount in any district than the State tax.

Sec. 2. That it shall be the duty of the Chief Justice of said Comal County to order an election at any time within three months after the passage of this act, at which election a vote of the inhabitants of each School District in the county shall be taken; those in favor of the tax to vote "for the special school tax" and those opposed thereto, to vote "against the special school tax;" returns of such election shall be made to the Chief Justice within ten days thereafter; and in those districts in

¹Gammel's *Laws of Texas*, Vol. 3, (331-334).

which a majority of the votes cast shall be for the special school tax, a tax shall be levied and collected agreeably to the first section of this act, and in those districts in which a majority of the votes cast shall be against the special school tax, no such tax shall be levied.

Sec. 3. That the taxes herein before provided for shall be collected by the Assessor and Collector of said Comal County, in the manner in which other taxes are collected, and that when collected, he shall pay the same to the County Treasurer, whose duty it shall be to pay the sum collected in each district to the trustees or other persons having supervision of the public schools of said District: Provided, This law shall not apply to the property of non-residents of the county.

Sec. 4. This act shall take effect from, and after its passage.
Approved February 4, 1856.¹

AN ACT TO INCORPORATE THE GERMAN FREE SCHOOL
ASSOCIATION OF THE CITY OF AUSTIN.

Sec. 1. Be it enacted by the Legislature of the State of Texas, that Wm. Von Rosenberg, Charles Pressler, Joseph Martin, H. Steussy, Dr. J. A. Brown, Wm. Sattler, Chr. Wilhelm, be and they are hereby incorporated a body politic under the name and style of Trustees of the German Free School Association, capable in law of suing and being sued, of pleading and being impleaded, of holding property real, personal and mixed, of the value of twenty thousand dollars and no more, of selling and conveying the same at pleasure, of having a common seal, of doing and performing whatsoever else may be proper and necessary to be done for the advancement of said Institution, not contrary to the laws and constitution of this State.

Sec. 2. That this charter and privilege shall extend to said Trustees and their successors in office, for such time not exceeding twenty years from the passage of this Act, as they confine the operations of the same, and the benefits thereof to the education of youth, the promotion of useful knowledge and the advancement of the sciences; and the said Institution shall be accessible to all alike without regard to religious opinions.

¹Gammel's *Laws of Texas*, Vol. 4, (256.)

Sec. 3. That the Trustees of this Association shall be elected by the members of the Association, as the By-Laws may prescribe.

Sec. 4. That the members of the Association shall have full power to enact such By-Laws, rules and regulations, for the government of said Association as may deem to them necessary for that object.

Sec. 5. That the Free School herein created, shall be located in the City of Austin, Travis county, and that this Act take effect and be in force from its passage.

Approved, January 19, 1858.¹

AN ACT
TO INCORPORATE THE NEW BRAUNFELS ACADEMY.

.....

Sec. 5. That the corporate authorities of the city of New Braunfels, shall have authority in their discretion, to levy and collect a special tax upon all persons and property within the corporate limits of said city, and subject to taxation by the State, for the support of the Institution hereby incorporated, and the preparatory schools herein provided for, which tax shall not in any year exceed the rate of the State tax for such year, and shall be levied and collected in like manner as other corporate taxes of said city are, and when collected shall be paid over to the Treasurer of said institution.

Sec. 6. That this Act take effect from and after its passage, and shall continue in force for twenty years and no longer.

Passed, February 5, 1858.²

AN ACT TO AMEND THE 5TH SECTION OF AN ACT TO INCORPORATE NEW BRAUNFELS ACADEMY, PASSED FEB. 5TH, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 5th section of an act to incorporate New Braunfels Academy, passed Feb. 5th, 1858, be so amended as to hereafter read as follows: Sec. 5th. That the corporate authorities

¹Gammel's *Laws of Texas*, Vol. 4, (1223-1224.)

²Gammel's *Laws of Texas*, Vol. 4, (1273-1275.)

of the city of New Braunfels shall have authority in their discretion to levy and collect a special tax upon all persons and property within the corporate limits of said city, and subject to taxation by the State for the support of the institution hereby incorporated, and the public schools of the city of New Braunfels, which tax shall not in any year exceed the rate of State tax for such year, and shall be levied and collected in like manner as other corporate taxes of said city, are, and when collected, shall be paid over to the Treasurer of the county, and by him paid over, pro rata, to the different public schools of the city of New Braunfels, in proportion to the number of pupils taught therein.

Sec. 2. This act to take effect from its passage.

Approved Nov. 14th, 1864.¹

AN ACT

TO CREATE THE COUNTY OF LIVEOAK, AND ATTACH IT TO
THE FOURTEENTH JUDICIAL DISTRICT.

.....
Section 2. That John Powell, George W. Wright, Wm. Gambell, Henderson Waller, D. L. Wood, N. Gussett, James B. Lewis, and James M. Grover, be and they are hereby appointed commissioners to locate the county site of said county, and that they may purchase, or receive by donation, any number of acres of land not exceeding six hundred and forty on such terms as they may arrange, for the use of said county and shall proceed to lay off two hundred acres of said land into suitable town lots, and after selecting and setting apart such lots as may be necessary for Court House, Clerks Offices, Jail, Churches, School Houses, Burying Grounds, and other public purposes; they shall proceed to sell the remainder, or.....

.....
Section 9. That the Assessor and Collector of San Patricio County, and of Nueces County, shall respectively make out and transmit to the State Treasurer, on or before the first of October, 1856, that portion of the scholastic population returned for 1855 and 1856, and on or before the first of October, 1857, that portion of the scholastic population returned for 1857, which by this act becomes attached to said new county, and the

¹Gammel's *Laws of Texas. Special Laws*, Vol. 5, (842).

apportionment of the school fund therefor shall be drawn by said county, as provided for by law.

.....
Approved, February 2nd, 1856.¹

AN ACT

TO BE ENTITLED AN ACT TO INCORPORATE THE
FREESTONE SCHOOL ASSOCIATION.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. G. Grayson, W. L. Moody, Joseph Moreland, T. R. Jefferson, John Carner, W. F. Daniel, Dunbar Bragg, L. D. Bradley, J. C. Walker, John F. Huckaby, David H. Love, J. G. Mayo, A. Owen, C. T. Echols, and W. A. Milner, their associates and successors, be, and are hereby constituted a body politic and corporate, by the name and style of the "Freestone School Association" with power to sue and be sued, to plead and be impleaded, and generally to do and perform all such acts as bodies politic and corporate of like character may generally do and perform.

Sec. 2. Said corporation may have a seal, and purchase and own, and have power to dispose of property, real and personal, to any amount, not exceeding fifty thousand dollars in value.

Sec. 3. Said persons, constituting said corporation, may open books of subscription of stock in shares of fifty dollars each, and any person subscribing such sum shall be a stockholder, and entitled to one vote to every share by him subscribed.

Sec. 4. Said corporators and stockholders may at any time after the passage of this act, elect fifteen of their number as directors, who may pass such by-laws as they deem proper for their government not inconsistent with the laws or constitution of this State, or of the United States, and may establish such rules and regulations as they deem proper relating to the government or control of such institution of learning as they may establish.

Sec. 5. Said corporate body may keep a record of their proceedings, under whatever by-laws they may think proper to pre-

¹Gammel's *Laws of Texas*, Vol. 4, (234-236).

scribe, a certified copy of which, signed by the secretary, under the corporate seal, shall be evidence of such proceedings.

Sec. 6. The board of directors shall be annually elected by a majority of the stockholders, and have power to grant diplomas to all pupils who may be deemed worthy, and in addition to the powers herein granted, and in explanation thereof, may do and perform all acts necessary to put in operation, and perpetuate a first class female institution of learning.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved, February 13, 1858.¹

THE CONDITION OF CULTURE ABOUT 1850

In general it may be said that contemporary writers paid but slight attention to educational conditions. There were, however, a few authors who recorded their observations, one of them listing the educational institutions of Texas in considerable detail.

GENERAL EDUCATIONAL INTEREST

W. B. DEWEES

W. B. Dewees was an early settler in Texas but his statement of conditions was rather too optimistic.

Columbus, Texas,
January 3, 1850.

My Dear Friend:—

.....

The cause of education prospers. Much has been done for the advancement of education by the people of this State; schools have been established, school-houses built, and competent and faithful teachers employed to enlighten and instruct the minds

¹Gammel's *Laws of Texas*, Vol. 4, (1302-1303).

of the rising generation. Every person is interested in this great cause, and we are determined that our children shall be educated.

.....

Your affectionate friend,
W. B. D.¹

TEXAS IN 1850

MELINDA RANKIN

Miss Melinda Rankin wrote several books on Texas, and was one of the most intelligent observers of educational needs. For several years she taught at Huntsville and later established a school at Brownsville. She has the distinction of being the first Protestant Missionary in Mexico, if not in any Latin American country.

.....

Were a New England traveller to pass through Texas, his curiosity might be excited; not, however, on account of the barren and unproductive wastes of land which might meet his view, but the great scarcity of Churches and School houses might attract his attention and be the subject of his inquiries..... Institutions for literary and moral instruction are in operation in various parts of the State, in different stages of progress. In many places, the school house and church of God are found side by side, showing that education and religion are twin sisters, and should not be dissevered. Much destitution yet exists, but the disadvantages attending a new country afford some grounds of excuse. It is evident, however, that Texas has not done as much as some other countries have, under the same circumstances. Did these objects hold as high a place in public estimation as they ought, those buildings for moral and intellectual improvement would oftener greet the eye of the traveller than they do now.²

.....

Education is receiving a good degree of attention in Texas, but the country is not sufficiently supplied with teachers or such as are regularly taught in their profession. The great scarcity

¹Deweese, W. B. *Letters from An Early Settler of Texas*. Compiled by Cara Cardelle, 307.

²Rankin, Melinda, *Texas in 1850*, 39-40.

in the State often obliges the people to employ those who are not competent to assume the important responsibility of instructing the youthful mind. Public sentiment is, in a measure, awake to the importance of securing good teachers; and sufficient inducement, in the way of pecuniary compensation, is extended, to encourage a greater emigration than has been hitherto. As few school teachers are manufactured in the South, the North and East is the source from whence the supply is to be expected.

A broad field presents itself into which a host of laborers might enter and cultivate with advantage and success. Those persons who conscientiously feel the important responsibility attached to youthful instruction, and are desirous of finding locations of extensive usefulness, could not fail of meeting with abundant success in Texas.

Who among the highly favored of New England's products will come and cultivate the rich soil of Texan mind? The individual enterprise of intelligent and self-sacrificing teachers is demanded in behalf of educating the youth of this interesting and important State. Are there not those who will volunteer their services to advance an object so important as this? A moral and intellectual influence would pour forth its genial rays, did New England feel and act as her means warrant her to do. Would her seminaries and literary institutions send more of their educated sons and daughters abroad, great good would be the result.

An important obligation imposes itself upon the North to aid the educational interests of the South. The alliance of common interest demands a co-operation in promoting those institutions which have for their object the general good. The educational interests of the United States, as a whole, should be taken into consideration; and those States which have long felt the benign influence of science and literature, should feel themselves bound by duty and obligation to extend those influences into less favored portions of country.

No person reared and matured amid the institutions of the North can conscientiously disregard the duty of imparting an influence which may be felt for good in less favored portions of the Union. It becomes necessary for the different parts, to

prompt, encourage and aid each other in matters of general interest.

For a people who wish to perpetuate and consolidate their Union, a fraternal fellowship in all matters pertaining to their institutions, must be manifested. Motives sufficiently powerful to excite the philanthropic feelings of all those who regard the best interest of their fellow being, are presented, for them to use the means within their power for the promotion of objects which must necessarily reflect the influence imparted them for the good of the country and world at large.

For education to be upon an improved and elevated plan, it appeals, loudly, to be extended to all classes, and embrace the general instruction of the youth of the land.

Throughout every part of the United States, such a school system should be adopted and established, as will lay a broad and respectable foundation for the instruction of the great body of the people. Such a measure would rescue the poor from ignorance, and would ultimately free the country from those consequences which every enlightened republican ought most to dread and deplore. The establishment of schools by law over Texas, would greatly conduce to promote the happiness and perpetuate the liberties of the people.

The happy effect of such schools, has been demonstrated by experience, in various parts of the United States, and their adaptation to this rising State, every person, who consults its best interests, must admit.

Education will be limited, as is proven in all countries where the free school system is excluded, to only the favored part of community, which are blessed with the means, while the poorer class grow up in ignorance, unfit for society, or any degree of usefulness in the world. The brightest geniuses may remain buried beneath the rubbish of ignorance, which under the blessings of the free school system might have been brought out and received a polish, whose brightness would have been a blessing to the world.

How much of the mental power of the rising generation of Texas is to be left uncultivated, is for the rulers of this interesting State to decide.

It is very evident that it is indispensable to the well being of

this growing State, to disseminate knowledge, and cultivate the full amount of its mental strength. It is a startling fact that the human mind cannot remain inert. The mental energies of free born Americans must necessarily become aroused and developed, and are available for good or for evil. It has been very justly observed that "uneducated mind is educated vice," and it may be found that more expensive means will be required to punish crime, (the necessary result of ignorance,) than to educate the youth of Texas in the paths of virtue and knowledge.

The machinery of popular education properly set to work would operate as a mighty instrumentality in advancing moral elevation, by approaching the mass of hidden intellect in the land, and most effectually manufacture the rising generation into useful and virtuous citizens.

The hopes of a country, its liberty, and all that makes it great and durable, can never fail, when its youth have been properly trained and educated.

An immediate action of the legislature in the appropriation of means which it possesses, for establishing and supporting free schools, might settle a point upon which are suspended interests of deep and lasting importance to Texas. A delay in rendering the matter still more impracticable, and the future prospects will become darker and darker. Unless this subject receive attention in the early condition of a country, it rarely ever acquires that estimation and permanency, which it does by growing up in the practice and blessing of it. Obstacles present themselves in every important undertaking, and require an effort in surmounting, and in this, the object might, with much propriety, demand an extra effort. It must be an object of legislative provision. Reliance cannot be had on the resources of individuals.

However much the popular mind may be impressed with the importance of such an institution, a limit is placed, which can only be removed by those who are called to legislate. Other subjects of importance claim the attention of the legislature, and it seems that the neglect of action upon this subject is an undue estimate upon objects according to their comparative importance.

It may be thought a degree of arrogance and presumption to carry the suggestion on this subject any farther; but waiving an

extreme sensibility and reserve, we shall farther suggest the propriety of inserting an extract from the governor's message, which will give an exhibition of the matter, as it is viewed by his Excellence.¹

.....

For education to answer its great end it must be evangelized. We cannot look to denominational enterprises to accomplish this work. Prejudices would debar the attempt of inoculating with any particular creed. Though denominational enterprises of an educational character are not to be disparaged, yet they cannot be relied on, as being sufficient to meet the demand of a people, as various in sentiment as are found in Texas.

While we look to our literary institutions to educate the intellect, the more elevated training of a religious education is found in the Sabbath School.....²

.....

Booksellers might do extensive business in all the important towns of Texas, and if of the right kind, would do much good in promoting a moral sentiment among the people. An improvement in the way of text-books for schools is evidently demanded. Among the many causes which should operate in Texas for increasing the well-being of society, that of enlarging the usefulness and operation of schools, by a judicious assortment of books, presents a claim upon the consideration of the public generally, and especially of the friends of education.

A great deficiency is felt by those who have the care of schools in Texas, and it is a matter of much importance to the educational interests of the State, that an immediate improvement be made, by introducing a uniform system of books that may serve as a standard, which are elevated in moral sentiment as well as literary merit. It appears that this subject has not been suf-

¹Here follows a quotation from the address of Governor Wood. *Ibid.*, 42-47.

²*Ibid.*, 51. Here follows an extensive statement of Sunday school work, newspapers, libraries and reading.

ficiently appreciated from the number and variety of poor school books which are extant. The difficulty of obtaining suitable books is probably the cause of this defect, and therefore appears the importance and necessity of booksellers being encouraged, as harbingers of a more correct system of education, than has hitherto been enjoyed.

Among the duties of the guardians of public education, it is one thing to provide the ways and means in support of the cause, another to obtain competent teachers, and last to furnish them, as you would the mechanic or artist, if you expect the best result from their labors, with proper tools and materials— that is to say, with the best books. Money lavished in the purchase of inferior books is not only lost, but that time which is the most precious to the young for improvement, is gone, and cannot be redeemed.”

Every good teacher is aware of the importance of placing the best school books, and none other, in the hands of his pupils. On the fitness of these assistants in the business of educating, depends much of the ease and success of his labors. Though the good instructor will doubtless accomplish much in the use of even poor books, his success must be greater and more easily attained by the aid of good ones.

The Eclectic Educational Series is believed to be, as a whole, better suited to the wants of intelligent educators, in the present advancing state of primary education, than any similar series yet published, and any efforts to extend its use into our schools, is a real service to the cause of education itself.¹

.....

SAN AUGUSTINE UNIVERSITY AND WESLEYAN COLLEGE

However dark such spots appear upon the moral face of San Augustine, the town has many valuable and worthy citizens who look with abhorrence upon deeds of base immorality. At present its population numbers about five hundred.

.....

A great degree of enthusiasm prevailed some few years since,

¹Ibid., 61-63.

on the subject of education, which led to the erection of elegant buildings for school purposes, and which might, as far as elegance and convenience are concerned, be made subservient to schools of the first order. By the appropriation of public lands, funds of several thousand dollars were raised by which a "University building" was erected sufficiently commodious for the several departments of one of the best conducted institutions.

It went into successful operation under the superintendence of Professor Montrose, a teacher of high respect, upon the union system and promised great good to the town and vicinity. Had it continued upon the principle upon which it was commenced, the "University" of San Augustine might have stood, in point of popularity and usefulness, by the side of any other institution in the South. But, unfortunately, the spirit of division arose, the development of which blasted and crushed the fairest prospects. An effort was made by Rev. Mr. Russell to resuscitate the interests of the institution; who, with a complete and thorough education, an extensive Chemical and Philosophical apparatus, and an adaptation to the art of teaching, might have been a very profitable and efficient agent in promoting the cause of education. Party spirit, however, had so gotten the start that his efforts were unavailing, and upon the altar of maintaining the truth, he fell a victim under mysterious circumstances, which, perhaps, only the final exhibition of human affairs, will fully satisfactorily develop.

Amidst the scene of contention and strife the Methodist denomination conceived the design of a College, and proceeded, forthwith, in carrying the object into execution. Agents, for the collection of funds were despatched to various places, who succeeded in raising the necessary amount to erect a college building, to which was given the distinguished appellation, "Westleyan College." A board of Professors were obtained, and the institution went into operation, under very auspicious circumstances, promising much future good in the promotion of the educational interests of San Augustine. After a short and transitory day of prosperity, however, this luminary, which had just begun to cast its gladsome beams abroad, sunk beneath a dark and gloomy horizon, and nothing now remains but a dilapidated edifice to show that there ever existed an institution for the cul-

tivation of the arts and sciences. Amid the darkness of the present, hope would fain indulge the idea, that over those desolations may yet arise that literary sun, and commence again its revolutions to bless the youthful mind and intellect of San Augustine.

There is no better teacher than experience, and, oftentimes, mistakes serve to give the best lessons. It is evidently exerting such an influence in San Augustine. The people are fully convinced that party spirit is not a principle which secures the prosperity of the moral and educational interests of any community. A unanimous feeling is manifesting itself by efforts on the part of the citizens to have those institutions revived. Only occasional schools have been had for three years past; but the Trustees are exceedingly desirous of obtaining a regular board of teachers for both institutions. Perhaps no situation in the State offers better inducements for well qualified teachers, than San Augustine.

The country is thickly settled by a wealthy class of citizens; a satisfactory amount of patronage could be obtained, and a very reasonable compensation would be realized. It is to be hoped that this place may come under the consideration of those persons who are desirous of promoting the educational interests of Texas.¹

.....

It is often remarked in country settlements, that expense has been bestowed, sufficient to have given children and youth good educations, who scarcely had attained the first elements of the common branches, with any degree of accuracy.

Here suggests one of the advantages which would occur from the public school system of education, in which the necessary qualifications of school teachers is so much a matter of consideration, that no individual is permitted to assume the important responsibility of instructing the youthful mind, without having passed a careful and judicious examination.²

.....

¹*Ibid.*, 101-104.

²*Ibid.*, 106.

NACOGDOCHES

Nacogdoches, like San Augustine, has been a scene of contentions in regard to schools, not however to that extent. Those conflicts have retarded somewhat the educational interest of Nacogdoches, but have been in a measure counteracted. A very commodious and respectable building was erected some years ago, in which have been schools of considerable importance, and at present a school is in operation under the supervision of competent teachers, and which is exerting a salutary influence upon the town and community.

.....
 The population is between five and six hundred.¹

DOUGLAS

A very good degree of attention is paid to education; though there is no regularly endowed institution, yet schools are usually sustained, and have been, hitherto, conducted by very efficient teachers. A very consistent order of things is observed, the people of Douglass have less occasion for censure than many other towns.²

MARSHALL AND HENDERSON

The religious and educational advantages of Marshall are superior to most other towns in Texas. The society is refined and intelligent, and all the privileges and advantages are enjoyed there, which are found in the older States. Its location is peculiarly favorable to its prosperity, which, combined with the public spirit of the citizens, will no doubt render Marshall one of the most important towns of Texas.

Henderson, in Rusk county, is also an interesting town. Its situation is pleasant, and the appearance of the town is rapidly improving. The vicinity abounds with beautiful lakes of trans-

¹*Ibid.*, 108.

²*Ibid.*, 109.

parent water, which, combined with other delightful scenery, renders Henderson a most desirable place of residence. The present population numbers about one thousand, and a very unanimous sentiment prevails in advancing the best interests of community.

.....

The recent location of a Seminary of learning, under the patronage of the Methodist Episcopal Church, is a favorable indication of the future literary character of Henderson. An institution established at such a healthy and eligible point, patronized and supported by the Conference and the Church, will be an important acquisition to the community, adding greatly to the prosperity of the town. It is to go into operation as soon as the necessary arrangements can be made.¹

.....

LARISSA COLLEGE

Larissa is also the seat of a seminary of learning, under the control of the Cumberland Presbyterian Church. It is quite a popular institution, and bids fair to do much in promoting the cause of education in this part of the State.²

PALESTINE

A great degree of interest is manifested in the cause of education, and a very laudable effort was made for securing the location of the Methodist institution, recently established at Henderson. The people of Palestine made a very liberal contribution, but the town of Henderson, possessing the advantage, was able to send up a more liberal proposition, and secured its location.

The many advantages which Palestine possesses, render it a very suitable situation for a literary institution.

HIGHER EDUCATION FOR WOMEN

One of the objects to be brought about for the benefit of Texas,

¹*Ibid.*, 112-113.

²*Ibid.*, 115.

is the planting of a Female Seminary of high order, at some favorable point of the State. As yet, there is none upon that elevated place, which secures to young ladies a complete and thorough course of education. It becomes highly necessary at this period of improvements, that vigorous efforts should be put forth, to rear such an institution at as early a day as is practicable. It might, perhaps, be proper to invite attention to Palestine, it being near the centre of the State, and easy of access from every part, and confident as we are, that the citizens of that region would contribute liberally in aid of an object so vastly important.

The location of a regularly endowed institution in this beautiful and salubrious section of the State, is an object well worthy the attention of the friends of female education. The grand design should be, to bring the means of a thorough intellectual and moral education within the ability of all classes, the tendency of which would be, to elevate the standard of female education, which, from misapprehension of its importance, or from other causes, has not been made in Texas as prominent an object as its importance demands. Hitherto, it has been very much of a superficial character, not so much, perhaps, in consequence of the means used during the course of education, as from the limited time which is usually devoted to its acquirement.

The idea that the intellectual powers of young ladies become developed, disciplined and educated, during the short period which is usually devoted, is utterly absurd; and any one acquainted with mind and its operations would deem it entirely insufficient for securing the important acquisition of a complete education.

A mere smattering of the sciences does not constitute an education, nor does crowding the mind with scientific facts; but an expanding and training of the intellectual faculties, by which they become disciplined for proper investigation and exercise in the various duties and departments of life. This high attainment, however, consists not entirely in the cultivation of the mental faculties, but requires a harmonious culture of the benevolent affections and moral feelings. Contracted and insufficient is that system of education which does not cultivate the heart, bringing into due regulation the passions, emotions and desires,

and a full recognizance of the supreme authority of conscience over the whole intellectual and moral system.

That education be upon an important and elevated plan, it appeals for more efficient and systematic measures than those hitherto employed in Texas. To obtain this object, successfully, a regular and systematic course should be pursued, and the want of an institution whose system of arrangements embraces these important considerations, is sadly exhibited by the superficial character of the acquirements of females who have emerged into society under the guise of educated and accomplished ladies.

That female education answer the design, three years added to the usual course allotted in Texas would not more than secure the object. An institution, mainly intended for instruction in the higher departments of education, would require a preparatory course for admission, after which the transforming and moulding influence of three years' discipline and instruction might justly entitle young ladies to the appellation of accomplished scholars. The happy results of such an institution, must manifest itself to every reflecting mind.

It is certainly important that this subject should receive as much attention in Texas as elsewhere; and there is scarcely a State in the Union which has not its seminaries of an elevated character; and why should not Texas have similar? The well-being of this new and interesting State requires that the important element of power, female influence, should receive the necessary preparation for the extensive sway it is destined to exert over society. This subject is one of vital importance to the interests of a country, which, if duly considered, would not be regarded second to any other.

Let female education be duly appreciated, and its elevation be made an object of general interest and attention, an element of power is thrown into society which must exert a powerful influence in the preservation of all those important objects which constitute the grace and charm of refined and happy life. . . .¹

.....
MIDDLE TEXAS

Nothing can be more manifest, than that middle Texas is:

¹*Ibid.*, 115-119.

rapidly improving in population and wealth, and presents a most ample field for industry and enterprise. Yet in the midst of such general and increasing prosperity, it is to be regretted that there is not a corresponding interest upon the great subjects of the mental and moral improvement of the population. A traveller, recently, examining this portion of the State, in reference to these subjects, thus writes: "The fact is, (and the sooner it is known and felt the better for the permanent welfare of the State) on the great subject of education in the most comprehensive sense of the word, we are not, as a people, doing what we should do. A very large majority of the rising generation of middle Texas, now growing up in our midst, are entirely destitute of school instruction; and yet these are the persons, upon whom will soon devolve the duty of electing all our officers, from the judges of our highest courts down to the lowest office. Ought not the minds of persons who are to be clothed with so much power to be enlightened? And yet, in many of our counties, common schools cannot be found. In many neighborhoods the Sabbath school is the only means of instruction afforded—and yet this is the great State of Texas, concerning the general intelligence of whose citizens we are wont to boast so much, and this is the State which aspires to become the empire State of the Southwest. Verily, it is time we were doing something more than making constitutional enactments and legislative appropriations in behalf of education."

Many parts of middle Texas, however, are manifesting very laudable exertions for the extension of education, but as a general thing, not adequate to the wants of the population. Several important institutions of learning, are located in the different towns, conducted in a manner calculated to exert a salutary influence upon the rising generation. Much remains to be done, however, in order that this portion of Texas may extend the means of education to every youth within its borders. Present and prospective resources would justify an enlarged and comprehensive system of education and duty most imperiously enjoins strenuous efforts for the advancement of knowledge in equal ratio with other departments of improvement. Those great highways of intellectual and moral culture, high and common schools, must be opened in town and country, in order to secure that honor

and prosperity which should characterize an enlightened and christian people.¹

.....

CINCINNATI

(Cincinnati) During the last year a building has been erected, designed both for school and Church purposes, in which a school has gone into operation, conducted in a manner calculated to exert a favorable influence upon society.....

Nowhere do institutions for moral improvement so quickly manifest their fruits as in Texas. It seems but necessary to set the wheel in motion to secure that co-operation requisite for its onward course. This fact evinces the spirit of the people for favoring those objects which have for their design moral and intellectual improvement.

The Sabbath school cause in particular meets with universal approbation wherever it is introduced.²

.....

HUNTSVILLE

The educational interests of Huntsville have not been regarded as a secondary object. The early attention of the citizens to the erection of suitable buildings for schools, and a judicious discrimination in the selection of teachers, have advanced the youth of Huntsville to a higher point of literary acquirements than is usually found in Texas.

Its future prospects are highly promising, on account of the recent location of a college, under the auspices of the Presbyterian church. A charter was granted during the last session of the legislature, under the appellation of "Austin College," and the buildings are to be erected as soon as practicable. This institution originated, mainly, through the influence of Rev. Daniel Baker, D. D., whose beneficent labors for the good of Texas, are, in a very important degree, felt and appreciated.....

It is a cause of general interest to Texas, and should elicit a general co-operation. The present population will not justify

¹*Ibid.*, 129-130.

²*Ibid.*, 136-137.

institutions to be purely and exclusively of a denominational character. The cause should be regarded as sacred, involving the general interests of community, both moral and intellectual, and ought not to be marred by the least appearance of sectional feeling or prejudice.⁴

.....

.....

ANDERSON

An incorporated Institute, under the supervision of efficient teachers, has given the town and vicinity a good degree of eminence in point of education.

.....

BAYLOR UNIVERSITY AND RUTERSVILLE COLLEGE

Good schools have been in operation some years in Washington, and the present indications for education are very promising.

Some twelve miles from Washington, in the same county, is the town of Independence, whose chief celebrity consists in being the location of the "Baylor University," a seminary of learning under the control of the Baptist Church. This institution was founded in 1845, principally through the influence of the individual whose name it bears. The prosperity with which it has been attended affords an evident manifestation of Divine favor in its behalf. The circumstances under which it commenced were not of an auspicious character. In a building the cost of which did not exceed \$200, it went into operation; and such has been the success which has attended it, a more extensive system of arrangements has been found necessary, and buildings at the expense of \$50,000, are in the course of being erected, part of which are already completed. A regular endowed College is contemplated, and Professorships are to be endowed at the next convention of the Baptist Church of Texas. There is an Educational Society, and a Theological department connected with the institution, and several students in the course of preparation for the ministry.

We congratulate this enterprise, and hail it as the harbinger

⁴*Ibid.*, 142-143.

of similar institutions coming up in aid of supplying the State with an efficient ministry of home production. All denominations must do something towards educating laborers for their own State. It will not do to rely mainly upon the north for aid. With all the assistance the north and east can render in the way of furnishing ministers and teachers, there is an ample field, unoccupied, to employ all that can be educated at home. Texas has to perform an important part in furnishing evangelists for Mexico, and other unevangelized countries. Hence the importance of building up literary and theological institutions throughout the State.

The public institutions of Texas involve important considerations, and immeasurable is the responsibility resting upon those who manage them. The church and country are in a peculiar manner interested in their character and influence.

May the "Baylor University" prove a copious fountain of living water, sending out its streams in every direction to fertilize the land, and extend its influence into every department of life.

West of Independence, in Fayette county, is the small but pleasant town of Rutersville, named for the lamented Dr. Ruter. This town also is the seat of a flourishing College under the patronage of the Methodist denomination.

This institution was chartered and went into successful operation in 1840, and has maintained an uninterrupted career of usefulness to the present period. It has imparted the benefits of education to more than eight hundred of the youth of Texas.

With its pleasant and healthful location, its able board of instruction and numerous friends, it is destined to exert an important degree of influence in promoting the cause of education.

West of Rutersville, on the Colorado river, is La Grange, situated in the midst of a beautiful and fertile region of country. This town is proverbial for its unparalleled beauty, on account of its local situation, and the taste and neatness of its arrangement.

Its eligible situation gives it a commanding prospect. The surrounding country opens up to view, clothed in beauty unsurpassed. Three or four miles from town is a bluff of pure chalk, whose cliffs present their snowy whiteness to the view of the

surrounding region, with an appearance which bespeaks loudly of the natural products of the country, and the valuable resources which are waiting to be developed and rendered subservient to the purposes for which nature designed them.

The vicinity of La Grange is hallowed by the interment of several American soldiers, who were massacred by the Mexicans during an invasion in 1842. A monument is about to be erected to their memory. La Grange is situated in a healthy region of country, and supported by a dense population on all sides. The population, which numbers some six or eight hundred, is composed of a wealthy and intelligent class of citizens, whose enterprise and public spirit are advancing the town rapidly in importance.

A flourishing school, under the auspices of the Cumberland Presbyterian Church, has been in operation during the last year with good success. Under the supervision of Mr. Montrose, a teacher who has done much for the cause of education in Texas this institution will continue, no doubt, to enjoy a favorable comparison with the most important institutions of the State.¹

LITERATURE.

F. L. OLMSTED

Mr. Olmsted was a German from New York who traveled through Texas in 1856. He was a keen observer.

.....

In the whole journey through Eastern Texas, we did not see one of the inhabitants look into a newspaper or a book, although we spent days in houses where men were lounging about the fire without occupation. One evening I took up a paper which had been lying unopened upon the table of the inn where we were staying, and smiled to see how painfully news items dribbled into the Texas country papers, the loss of the tug-boat "Ajax," which occurred before we left New York, being here just given as the loss of the "splendid steamer Oeox."

A man who sat near said—

"Reckon you've read a good deal, hain't you?"

"Oh, yes: why?"

¹*Ibid.*, 149-152.

“Reckoned you had.”

“Why?”

“You look as though you liked to read. Well, it’s a good thing. S’pose you take pleasure in reading, don’t you?”

“That depends, of course, on what I have to read. I suppose everybody likes to read when they find anything interesting, don’t they?”

“No; its damn tiresome to some folks, I reckon, anyhow, ’less you’ve got the habit of it. Well, it’s a good thing; you can pass away your time so.”¹

THE TROUBLES OF A SCHOOL MASTER

He starts out to make up a school, in which he hopes he will be able to instruct the rising generation in the principles of science and morals, and thereby make an honest living for himself and, as a dutiful citizen, improve the condition of society. He meets with Mr. A., states his business and requests his patronage. Mr. A. politely asks him what he can teach, and what evidence of good moral character he can show. Being satisfied on these points Mr. A. expresses his pleasure, assigns the articles of agreement, puts as many students as he has, and wishes the school master success, profit and pleasure. Not far off lives Mr. B., to whom the teacher is referred. On approaching Mr. B. and stating his business, Mr. B. raises his head, looks as independent as a lord, and with the importance of a horse jockey, asks: “what’s your price.” Being politely answered, and the price not corresponding with his views of valuation, replies: I won’t stand no *sich* prices: I can *git* a man to work hard all day for less than half that, and I’m not gwine to gin that to a man to do nothing but set up in de house and do nothing but *larn* children. But as I don’t want to be contrary, I’ll send *sum* ef you get a school, ef you’ll take sumthing besides *munny* for pay, but I won’t sign; so you may go and see the rest. . . . Mr. C., by-the-by, is a good, easy man, in easy circumstances, asks no questions regarding character, qualifications or prices; puts down his name and two students, says he expects to send more, and directs the teacher to Mr. D. The teacher is met

¹Olmsted, F. L., *A Journey Through Texas*, 117.

at the gate by Mr. D., who enquires his business, where he came from, what's his price, who has *signed*, &c.; then informs the teacher that he has taught school some himself and knows all about it, and will subscribe one scholar if the teacher will let him send three to make up the time. This being done, the poor teacher, without being asked to light, is told to go to Mr. E's. On reaching E's and stating his business, Mr. E. informs him that he has been imposed on so much by school masters that he cannot do any more than this: "I will send, and pay for what time I send"; and directs the teacher over to Mr. F's, who sends him on to G's, and so on he is passed around the neighborhood, finds fifty or sixty children who ought to be at school, hears one hundred determinations expressed to educate the children; the good qualities of many children and the bad ones of others, a general history of other teachers, and winds up his two day's labor with twenty subscribed students, varying from a quarter to two whole students at a place. This is making up a school. And who, in the name of reason, can call it pleasant business? Yet we will see in the sequel that it is the most pleasant part of the whole business.

The teacher whom I will call Mr. T., on Monday morning repairs to the school-house—a little dirty log hut, with open door and open cracks, a loose floor of dirty boards, the chimney about as high as your head, in the north end of the house, so that every spell of weather in which fire will be needed, the smoke may be blown through the room to find an escape through the cracks in your eyes or down your throat.

Mr. T., on arriving, finds about half a dozen boys and girls assembled, awaiting his arrival. On entering the house, one promising boy giggles in his face, another whispers something to his next neighbor, another is frightened at the monster and turns up to cry. Nor is he more favorably received by the female attendants. One large girl whispers quite audibly, "he's *mity* ugly", another one whispers her determination not to mind no *sich* a looking man, a third thinks his dress don't suit, and the little girl in the corner is afraid to look at him lest he might whip her.

Mr. T. after looking around, addresses himself to the task before him, to arrange his students in the most convenient man-

ner the seats will permit of, calls on the students to bring forward their books and show him how far they have advanced; when up they come with spelling books, including every edition of Webster, from first to last, greased, torn, backless and almost leafless, with but few exceptions; arithmetics from every author, from Dilworth the ancient to Smith the modern calculator—all fit associates, in appearance and condition, for the spelling books; reading books of any and every kind, printed since Murray wrote or Walker composed a line, but no two alike, either in form, style or subject-matter. After examining, as well as he can, those mothy productions, he finds his students equally diversified in their acquirements. One has gone through his book, but has forgotten all, all about it; another learned to spell as far as Baker, but the bay tore out his lesson, and now he knows nothing about it; another has read to the pictures, but it has been so long since he was at school he has forgot all about it. After listening from an excuse from each separate student, similar to the above, the students are given lessons, and respectively seated to commence the herculean task of getting lessons, and every urchin applies himself steadfastly to looking into his book, as though he had never seen it before or ever expected to see it again. This steadfast gaze, like everything else, must have an end, and shortly the silence of the school room is disturbed by the fierce cry of Tommy Simples: "Master, Jim Jones is pinching me." The two tyroes being called up, Jimmie is asked why he pinched Tommy: "Why, because he spit on me." Mr. T., knowing that such conduct must not be tolerated, gave each a slight tap, and threatens worse if they don't behave, and orders them to their seats, hoping them to obtain some degree of attention for a while at least. But alas, poor Yorick! scarcely has he had time to think, when his attention is aroused by the thrill notes of Polly Calico: "Master, make Sall Dask give me back my thumb-paper—she snatched it;" when Sall responds with equal volubility: "She's got my doll rags." Both parties being called up, and each ones property being restored, Mr. T. orders them to take their seats and refrain from further meddling. He then attempts to learn Willie Smith his lesson, but scarcely has he commenced when he is startled, by the scream of Toby Prattle: "Master, Jim Jones is scratching me." "Well,"

bawls out Jim, "he tore my book and called names," After settling the last named outbreak by tapping Toby's head and Jimmy's hand, Mr. T. proceeds with instructing Willie in his lessons; by the time he has finished his instructions he hears rang out from the writing desk, (or board, rather): "Master, make Sam Trot quite shaking the floor." Having settled Sammy, and listened to about a dozen other similar complaints, Mr. T. succeeds in establishing like order, and closes the first day of his school. Weary, vexed, and discouraged, he goes home to rest. Next day opens his school with hopes of doing better, more students in attendance, and all appear pleased. But not long can he enjoy the fond hope. Up comes Tommy Simple and informs that Jim Jones had whippen him last night going home for telling on him, which statement he denies, and accuses Tony of cursing him and saying hard words. Mr. T. here comes to the conclusion to satisfy both parties by justly correcting each for his offense, and also to enforce order and obedience among the rest by chastizing every offender, and has the satisfaction to know, at the end of a couple of weeks, that the students behave at school, in his sight at least, and are beginning to learn a little. Now you think, dear reader, that Mr. T. will breathe more easily, and enjoy himself a little in the discharge of his arduous duties. But don't come to too hasty a conclusion—wait the developments of the next chapter.

Mr. T. starts on Saturday to visit a friend. Is met on the way by an acquaintance, who informs him of all the news in general and of his school in particular. B. has accused him of tyrannical discipline in keeping the children too closely confined; C. says he won't send to him because he whips in the hand, and the children will never be able to write; D. says he won't because he beats on the head, and the children never will have any sense; E. says he is too loose in the government of his school; F. says he cannot send, for he is too tight in his rules; G. says he is a proud, haughty scamp; H. says he cannot send because he keeps a select school; I. says he cannot send because he lets the children talk out in time of school; these, and many more complaints, Mr. T. listens to. His patience is exhausted, he goes home, pained and troubled in mind, and at last he concluded he will teach on and say as little as possible; goes to Church on Sabbath, and on

Monday goes again to the school-house. Here he soon sees the effect of the neighborhood chat upon his students. One looks at him with contempt, another disregards his instructions, a third disobeys his commands, none have their lessons, and none inclined to study, and he is left to the alternative either to enforce obedience by rigid rules, or set still and have himself insulted, and the school broken up by misconduct. "Do his troubles end here?" No, no, no, await the next chapter.¹

RELATING TO HIGHER EDUCATION

SPEECHES AT THE SOUTHERN CONVENTION

Many good things were said at the Southern Convention. The subject of education, as touched upon so well by Rev. C. K. Marshall, comes home to us. We agree with him in toto, and notwithstanding his speech has appeared in several papers already, we must be permitted to call the attention of our readers to it in the *Gazette*:

Mr. Marshall remarked, by way of introduction, that he felt the importance of being brief as the Convention was drawing near to a close. He was greatly obliged to the Convention for the courtesy extended him and proposed to proceed directly to the discussion of the subject under consideration. He said we do not propose to legislate on this question, but we do intend to mould and put in motion public opinion, and a great and mighty feeling. Though we do not now realize the fruit of our labor, there is, to men of foresight who understand the nature of circumstances, a certain prospect of a golden future. We have already accomplished more by these Conventions than forty Legislatures during the last half century. It is our duty and privilege to reform the errors of the North. We do not desire to be independent of the Northern States, but independent in the Union and equal with them. That is our position. What though you build railroads, construct lighthouses, and cut new channels in which to lead the "Father of Waters;" though your agriculture facilities be multiplied, in what way will any of

¹The *Harrison Flag*, Marshall, Texas, Nov. 4, 1859.

If the "next chapter" ever appeared I have been unable to find it in the "Flag."

these enterprises effect the interests of education? I say, sir, that we cannot compete successfully with the Northern States in any commercial enterprise unless we have educated merchants to open direct communication with Europe, who will start our proud and noble steamers from Baltimore, Charleston or New Orleans to the various ports of Europe. I hold that it is the prime object of this country to teach her sons correctly. Who doubts the fact that education has the same effect upon the youthful mind that the sculptor's chisel has upon marble?—that we can so shape the flexible mind in youth as to make it what we desire?

We have not the means of education at home. Our planters are compelled to send their sons and daughters to Northern Colleges and Seminaries. This practice is most ruinous to the South. What is the present position of Northern Institutions? One of the Professors of the Yale has already said he would shoulder his musket and march to any field to prevent the extension of slavery.—What may be expected of other Northern Colleges, when Yale sets such an example? Sir, I do not believe a young man can be safely educated in the North at the present time.

Gracious Heavens! what feelings must exist in a family when a son or daughter returns from some of the Northern Institutions and earnestly beseeches his father to emancipate his slaves? These Northern fanatic professors have taught them that slavery is wrong. Their class books are full of denunciations of the institution of slavery. They have taught them that it is wrong to do as Abraham and St. Paul did. I insist upon the correct training of the mind—of its cultivation in the most enlightened manner. We have proposed a plan for the establishment of institutions at home necessary for the education of our people, and we shall keep the subject constantly before the people until they shall begin to realize their deep personal interest in the matter. When we can get the plan we propose, adopted, then we can successfully maintain our independent position towards the North. But, sir, what has been the opinion of distinguished statesmen on this subject? I will read a letter from Thomas Jefferson showing the ruinous tendencies of the practice of sending our sons and daughters to Northern institutions.—(Reads the extract.) I shall say no more with regard to our institutions

of learning. On the subject of slavery I propose to say a few words. I regard it as very dangerous to lay before the youthful mind any thing that will prejudice it against slavery. I believe the institution of slavery to be right—that God has established it and has civilized man through this institution. I believe that in fifty years' time slavery will occupy twice as much territory as it now does. We do not ask any favors of the North—we simply ask to do our own work in our own way. They are educating our sons and daughters at home. Northern teachers are coming in upon us and poisoning our children's minds with fanatical opinions. Would you believe that one of the school books of this city is a work more objectionable than "Uncle Tom's Cabin" ever was conceived to be? I refer to a production of a good but misguided fanatic man. I allude to Mr. Wayland's *Moral Science*—a professor in one of our Southern colleges once said to a young lady, a student of the institution, "you may study this work, but the chapter between pages 110 and 132 you may omit, as you will not be examined on this section." On examination day this young lady said to the Professor, "I want you to answer one question. If that chapter is wrong, how do I know but that they are all wrong?" It is and ultra abolition book, and these books are the hands of Briarocous hurling firebrands of destruction in every direction in the midst of us. The speaker then spoke of the importance of introducing Southern school books into our schools and colleges. That we would, by educating our children at home, avoid an expenditure of five millions of dollars annually. He urged the necessity of publishing an entire series of school books adapted to the wants of the South. He wished to see such books brought into general use. He wished to see the authors handsomely compensated for their labors. He then presented an elegantly bound volume before the audience and continued. This is a fine book. I would make you a present of it, Mr. President, as a token of my thanks for the beautiful compliment you paid the ladies yesterday, if it were not for the ruinous sentiments it contains. It was "Appleton's Complete Guide of the World," published by D. Appleton & Co., New York. He referred them to page 134 of this work and read as follows:

"In the Southern States, where the culture of cotton and rice

is so largely carried on, the field labor is for the most part performed by negro slaves—a race of beings who we understand to be worse treated in the American States than in any other part of the world. They are very numerous, and as they are aware of the establishment of the black government in Hayti, and the emancipation of the black population of Jamaica and the other British colonies, the severe yoke under the burden of which they have long groaned must become more and more galling to them every day. Nor is there any doubt that the time is rapidly approaching when they will, by their own bravery, wrest their independence from their American masters, upon the very same principle and with the same justice that the Americans wrested their independence from the British Government. In the event of a war between Britain and America, the British would greatly accelerate this desirable emancipation by landing a few black regiments from the West Indies, and establishing depots for the supply of arms at the places on the coasts of which the black troops had taken possession. There are many facilities for the supply of arms and if a war should render the measure necessary, the success of it is pretty certain.”

One would suppose from the reading of this book that if ever any man was sent to hell he would only have to go from one part of this world to another. He spoke of the hypocritical pretensions of Great Britain—the greatest slave-holder in the world—of her sending regiments of soldiers to the bordering islands that if at any time an outbreak should occur they might be ready to assist in the work of emancipation; he hoped the allies would be defeated before Sebastopol, and was loudly cheered. He thought this book came within the list of prohibition from the State of Louisiana. He read a portion of the statutes of the State of Louisiana, showing conclusively that such books were prohibited from the State. The eloquent speaker was enthusiastically applauded during the delivery of his very able speech, and left on the minds of all his auditors a very high appreciation of his scholarship and oratorical attainments.¹

¹*Texas State Gazette*, Feb. 10, 1855.

WESLEYAN COLLEGE:

San Augustine, Texas.

The next regular session of this institution will commence, on the 23rd day of Feb. next.

The Female Department will be entirely *separate* from the Male Department, under the direction of an able and experienced Teacher, with an assistant Female Teacher.

Rev. F. H. Blades A. M. President and Professor of Ancient and Modern Languages, and Natural, Mental and Moral Philosophy.

Rev. A. J. Fowler, A. M. Professor of Mathematics.

An experienced Teacher will be procured for the Preparatory Department.

Mr. Peter Burke A. M. Principal of the Female Department.

Mrs. Mary Ana Cosgrove *assistant* principal.

PRIMARY DEPARTMENT:

McGuffy's primary school book; and his first, second and third eclectic readers; mental arithmetic, and writing commenced.—Charge per term of five lunar months, \$7.00.

PREPARATORY DEPARTMENT:

Smith's modern geography, Davie's arithmetic, Alexander's geography of the Bible, Smith's English grammar, Hitchcock's bookkeeping, Mrs. Willard's history of the United States, Anthon's natural history of the Bible, Parker's exercises in composition, Whelpley's compend of history, Mitchel's geographical reader, Mrs. Willard's ancient geography, Comstock's or Dillaway's mythology, and Days's algebra—as far as equations of the first degree, \$12.00.

PREPARATORY STUDIES IN LANGUAGE:

Latin: Anthon's first and second lessons, containing the grammar, Caesar's commentaries, Cooper's Virgil, Cicero's orations, Sallust.

Greek: Anthon's first and second Greek lessons. Anthon's Jacob's Greek reader, Greek testament.

Dictionaries: Ainsworth's Latin and Donnegan's, or Grover's Greek, \$15.00.

Reading, orthography, and penmanship will be continued through the preparatory course.

Exercises in original compositions every two weeks, by the more advanced, and (in the male department,) declamation.

A thorough training in elementary and introductory studies will be insisted upon.

COLLEGIATE DEPARTMENT:

Latin: Cicero's orations, and Virgil completed, Gould's Cicero De Oratore, Anthon's Horace; Folsom's Livy, Ovid, Tacitus, Terence.

Greek: Greek testament continued, Graeca Majora, (2 vols.) a course used in many colleges.

Particular attention will be given to Latin and Greek prosody. Other ancient languages will be taught when desired. Hebrew, Chaldee, Syriac, Samaritan. Dichenberg's manual of classical literature, and Athon's classical dictionary will be useful for references.

Mathematics: Day's algebra, completed, —e's¹ mathematical course (6 vols.) except his algebra, including plane geometry and trigonometry, mensuration of planes, surveying, solid geometry, mensuration of solids, navigation, analytical geometry, and conic sections, spherical trigonometry, deferential and integral calculus, descriptive geometry and civil engineering, Olmstead's natural philosophy and astronomy, with mathematical demonstrations.

Natural Sciences: Burnett's geography of the Heavens, Rhenwick's and Olmstead's natural philosophy, (large editions.) Comstock's and Grey's chemistry, Comstock's botany, Comstock's physiology, Huchcock's geology, or Lyle's, Dana's mineralogy, Smellie's philosophy of natural history, Brown's conchological text book, Gross's general anatomy.

English Literature: Gould Brown's English grammar, Wood-

¹Paper torn.

bridge's large geography, Tytler's universal history, (large edition, 2 vols.) Rollin's ancient history, Newman's or Campbell's rhetoric, Porter's rhetorical reader, exercises in original composition, and public speaking.

Intellectual and Moral Sciences: Upham's mental philosophy, (large edition, 3 vols.) Wayland's moral philosophy, (large edition) and his political economy, Hedge's logic, Paley's evidences of Christianity, and his natural theology illustrated, Butler's analogy, Jahn's archaeology, Prideaux's connexions.

The charge for any studies in the collegiate department, \$20.00.

It is only intended now to give a list of studies and text books without much reference to the order in which they will be pursued. The course will be more fully arranged when it shall be found necessary to publish a catalogue.

Modern Languages: for which charges will be extra as customary.

French: Bolmar's Levizac's grammar, Boyer's or Meadow's dictionary, Vie de Washington, Perrin's fables, French testament, Charles 12th, Henriode, \$10.00.

Spanish: Cubi's grammar, Newman's dictionary, Traductor Espaniola, Spanish testament, Novelas Espaniolas Don Quixote, \$10.00.

German and Italian will be taught if required.

Ornamental branches in the female department. Vocal music practised through the whole course without charge.

Drawing and painting, extra, \$8.00.

Ornamental needle work, extra, \$8.00.

Instrumental music, upon the piano, extra, \$20.00.

Use of piano, \$3.00.

Students will be received at any time, and charged accordingly; but no deduction will be made after entrance, except for protracted illness.

Tuition fees payable at the end of each half session.

There is no difficulty in procuring board in good families.

F. WILSON, Pres't Board of Trustees.

OSCAR FITZALLEN, Sec.

San Augustine, Feb. 1, 1846.

LAWS OF MCKENZIE COLLEGE

I. The Faculty shall faithfully instruct the students and maintain proper discipline and order, exercising, as far as possible, a parental government, and endeavoring to substitute a moral power over the heart as a principle of order, in place of the fear of punishment.

II. The Faculty shall have power to govern the students according to the laws of the College, and to make minor laws from time to time to meet all exigencies, each Professor having the same power in his own class-room.

III. The Faculty shall have full power to inflict punishment, whether by demerit, rebuke, suspension, or expulsion.

IV. The President, or some other member of the Faculty, shall pray in the College Chapel every morning and evening, and shall address, as he may find occasion, public instruction and counsel to the students.

V. The several classes shall recite in such books, and in such manner, and at such times, and attend and perform such other exercises as the Faculty may from time to time appoint and direct.

VI. Each Professor shall keep a daily record of the recitations in his department by a system of marks, ranging from 0 to 9; the highest mark being 9, and unexcused absences, 0. These reports from the several departments shall be embodied in a circular, and a general average of the standing of each student shall be made, monthly, to his parent or guardian, for the exertion of a favorable influence.

VII. Each recitation shall continue one hour, unless otherwise ordered by the Faculty. From one-fifth to one-third of the time allotted to each recitation during any term shall be occupied in review, immediately after the recitation, of each student. The Professor shall designate the quality of the recitation in a book kept for the purpose.

VIII. The following are among the things forbidden by the laws of the College:

1. Using profane or obscene language.
2. Playing at cards, billiards, or other unlawful games, or raffling.

3. Leaving the College grounds without permission from the President, or, in his absence, from the Professor in charge.

4. Being out of room during study hours without permission, or being absent or tardy at prayers or recitation.

5. Being out of room at night, or engaging in any night-suppers, or other irregularities, without permission.

6. Smoking.

7. Keeping gunpowder, firearms, or deadly weapons of any kind, about the person, or in the room.

8. Allowing disorder in the room.

9. Attending any exhibition of an immoral tendency, or dancing-parties.

10. In case of offences not enumerated, such punishment will be inflicted as may be just and necessary.

11. Using Keys or Translations.

IX. The President shall, every Monday morning, appoint four Monitors, whose duty shall be to report in writing every morning the names of such as they may have found disobeying any of the College-laws.

X. Every student shall attend Bible-class, and all other public worship.

XI.—1. A student in the regular course is not allowed to drop a study and become irregular, without first informing the President of his desire; secondly, writing home to get permission, the President writing at the same time; and, thirdly, obtaining the written consent of his parent or guardian.

2. Damage done by a student to any of the College-Buildings, fences, etc., shall be repaired by himself; or, if he neglects to have it done in due time, it shall be done at his expense.

3. A student coming from another college must present evidence that he has left that institution free of censure.

4. A student absenting himself from public examination in June is liable to be placed in a lower class, or be excluded from College, as the case may require.

5. A student, on entrance, will be furnished with a copy of the laws of the College; and, after reading them, he will be required to deliver up to the President all fire-arms, or weapons of any kind, in his possession, to be returned at the close of the

College year; and will be required to sign the following declaration and promise:

MATRICULATION PLEDGE.

“Intending to become a student at McKenzie College, I do hereby acknowledge myself subject to its laws; and do further declare on my honor, that I will obey all the laws of the College now in force, or that may be enacted while I continue a student thereof.”¹

¹Annual Catalogue of the Students and Faculty of McKenzie College, 1860-61.

LIST OF HIGHER INSTITUTIONS OF LEARNING

FIRST LEGISLATURE

Institution	Male or Female	Location	Auspices	Date Chartered	Opened
Huntsville Academy	M. and F.	Huntsville	Ind. Board	Apr. 11, 1846	1846
Duval Academy		Bonham	Ind. Board	Apr. 11, 1846	
Lamar Academy	F.	Paris.	Ind. Board	Apr. 11, 1846	
Masonic Grand Lodge		Texas	Masonic	Apr. 28, 1846	
La Grange Female Institute	F.	LaGrange	Presb.	May 11, 1846	1845
Ursuline Academy	F.	Galveston	Cath.		1847

SECOND LEGISLATURE

Guadalupe College	M. and F.	Seguin		Feb. 5, 1848	
University of Eastern Texas*	M. and F.	San Augustine		Mar. 8, 1848	
Montgomery Academy	M. and F.	Montgomery	Stock Co.	Mar. 11, 1848	
Williamson Academy		San Marcos	Ind. Board	Mar. 14, 1848	
The Republican Academy		Marshall	Stock Co.	Mar. 16, 1848	
Huntsville Male Institute	M.	Huntsville	Stock Co.	Mar. 16, 1848	
Cherokee Academy		Rusk, Cherokee Co.	Ind. Board	Mar. 18, 1848	
Milam Liberal Institute		Cameron	Stock Co.	Mar. 20, 1848	
German Texian Friendship Association		Galveston	Stock Co.	Mar. 20, 1848	

THIRD LEGISLATURE

Austin College	M.	Huntsville	Presb.	Nov. 22, 1849	
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* Formerly, the University of San Augustine.

Guadalupe High School Association	M. and F. Seguin	Ind. Board.	Dec. 31,	1849
Texana College	Texana, Jackson Co.	Stock Co.	Jan. 2,	1850
Mt. Vernon Male and Female Academies	M. and F. Mt. Vernon, Titus Co.	Precinct	Jan. 24,	1850
Fowler Institute	Henderson	Electors	Jan. 26,	1850
Chappell Hill College	Dangerfield	Meth.	Feb. 7,	1850
(Later) Waco Classical School		Presb.		
Lafayette Academy	Matagorda	Ind. Board.	Feb. 8,	1850
Central M. and F. Institute	M. and F. Cass Co.	Ind. Board.	Sept. 4,	1850
Cass County M. and F. Academy	M. and F. Cass Co.	Stock Co.	Sept. 5,	1850
Lockhard Academy	Lockhard	Ind. Board	Sept. 5,	1850
Fayette Academy	Fayette Co.	Ind. Board.	Nov. 26,	1850
Shelby University	Shelbyville	Stock Co.	Dec. 2,	1850
Larissa M. and F. College	M. and F. Cherokee Co.	Presb.	Feb. 2,	1856
Masonic Female Institute	F. Marshall	Masonic	Dec. 2,	1850
Waco M. and F. Academy	M. and F. Waco	Stock Co.	Dec. 3,	1850

1850

St. Paul's College	M. Anderson Co.	Episcopal	Feb. 4,	1853
Milam Masonic F. Institute	F. Bowie Co.	Masonic	Dec. 8,	1851
Jasper Collegiate Institute	Jasper	Ind. Board	Nov. 24,	1851
Battle Creek Academy	Navarro Co.	Ind. Board	Jan. 6,	1852
Bastrop Educational Society	Bastrop	Stock Co.	Feb. 10,	1852
Bastrop Academy	Bastrop	Meth.	Jan. 24,	1852
(Later) Bastrop Male Academy				
Bastrop Military Inst.				
Bastrop Female Academy				

1851

1851

FOURTH LEGISLATURE

FOURTH LEGISLATURE—Continued.

Institution	Male or Female	Location	Auspice	Date Chartered	Opened
Galveston College	M. and F. Galveston		Ind. Board	Feb. 9, 1852	
Chappell Hill M. & F. Institute	M. and F. Chappell Hill		Meth.	Feb. 9, 1852	
Red Mount Seminary	Sabine Co.		Ind. Board	Feb. 12, 1852	
Richmond M. and F. Academies	M. and F. Richmond		Ind. Board	Feb. 13, 1852	
Comal Union School	Comal		Ind. Board	Feb. 13, 1852	
LaGrange Collegiate Inst.	La Grange		Presb.	Feb. 14, 1852	
Gonzales College	M. and F. Gonzales		Stock Co.	Feb. 16, 1852	
Andrew Female College	F. Huntsville		Meth.	Feb. 7, 1853	
Mount Enterprise M. and F. Academy	M. and F. Rusk Co.		Ind. Board	Feb. 7, 1853	
Cold Spring F. Institute	F. Cold Spring, Polk Co.		Ind. Board	Feb. 7, 1853	
Texas Orphan Asylum			Ind. Board	Feb. 7, 1853	

FIFTH LEGISLATURE

Sharon Union School		Sharon, Cass Co.	Ind. Board	Nov. 30, 1853	
Linden M. and F. Academy and Masonic Hall					
Indian Creek Academy	M. and F. Linden, Cass Co.		Masonic	Dec. 15, 1853	
Mound Prairie Institute	Jasper Co.		Ind. Board	Jan. 5, 1854	
New Danville Masonic Female Academy	M. and F. Palestine		Private	Jan. 9, 1854	
Aranama College	F. New Danville		Masonic	Jan. 25, 1854	
Alma Institute	Gollad		Presb.	Jan. 25, 1854	
Milam Masonic Institute	F. Hallettsville		Ind. Board	Feb. 6, 1854	
Tyler University	Milam		Masonic	Feb. 10, 1854	
Gilmer Male Academy	M. and F. Tyler		Bapt.	Feb. 11, 1854	
	M.	Gilmer	Ind. Board	Feb. 11, 1854	

University of St. Mary's	M.	Galveston	Cath.	Aug. 23, 1856	1854
Church Hill M. and F. Academy	M. and F.	Church Hill, Rush Co.	Presb.	Feb. 13, 1854	
Newburn M. and F. Academy	M. and F.	Newburn, Shelby Co.	Private	Feb. 13, 1854	
Paine F. Institute	F.	Goliad	Meth.	Aug. 6, 1856	1854

SIXTH LEGISLATURE

Gilmer Female College	F.	Gilmer	Meth.	Jan. 18, 1856	
Henderson Female College	F.	Henderson	Stock Co.	Jan. 28, 1856	
Soule University	M. and F.	Chappell Hill	Meth.	Feb. 2, 1856	
Texas Christian College			Christian	Feb. 2, 1856	
Franklin College	M. and F.	Palestine	Ind. Board	Feb. 2, 1856	
Galveston Island University		Galveston	Ind. Board	July 18, 1856	
Luther Rice Baptist F. Inst.	F.	Marshall	Bapt.	Aug. 5, 1856	
Starrville F. High School	F.	Starrville, Smith Co.	Meth.	Aug. 5, 1856	
Millam M. and F. Institute	M. and F.	Boston, Bowie Co.	Ind. Board	Aug. 5, 1856	
Texas Monument and Military Institute (An amalgamation of Rutersville Col. 1840, Texas Monument Comp. and Texas Military Institute)*	M.	Bastrop	Meth.	Aug. 6, 1856	
Waco Female Seminary	F.	Waco	Ind. Board	Aug. 7, 1856	
Waco Female Academy	F.	Waco	Ind. Board	Aug. 15, 1856	
Woodville College		Woodville, Tyler Co.	Ind. Board	Aug. 26, 1856	
Frost Institute		Richmond	Ind. Board	Aug. 28, 1856	
Brazoria High School	M. and F.	Brazoria	Ind. Board	Aug. 28, 1856	
Margaret Houston F. College	F.	Dangerfield	Bapt.	Aug. 29, 1856	
Waverly M. and F. Institute	M. and F.	Waverly, Walker Co.	Ind. Board	Aug. 29, 1856	

*Removed to Austin, 1870.

SIXTH LEGISLATURE—Continued.

Institution	Male or Female	Location	Auspice	Date Chartered	Opened
Linden Female Academy	F. Linden		Ind. Board	Aug. 29, 1856	
Houston Academy	Houston		Ind. Board	Aug. 29, 1856	
Concrete College	M. and F. (near)	Cuero	Ind. Board	Sept. 1, 1856	
Mantua College	Collin Co.		Ind. Board	Sept. 1, 1856	
Jamestown Academy	Jamestown,	Smith Co.	Ind. Board	Sept. 1, 1856	

SEVENTH LEGISLATURE

Casino Association of San Antonio	San Antonio			Dec. 7, 1857	
Colorado College	Columbus		Lutheran	Dec. 26, 1857	
The German Free School Assoc. of Austin	Austin			Jan. 19, 1858	
Melville M. and F. Academy	M. and F. Rusk Co.		Ind. Board	Jan. 26, 1858	
Union Hill High School			Ind. Board	Feb. 1, 1858	
New Braunfels Academy	New Braunfels		Community	Feb. 5, 1858	
Tennessee Colony Masonic Inst.	Anderson Co.		Masonic	Feb. 8, 1858	
Freestone School Association	F. Freestone Co.		Stock Co.	Feb. 13, 1858	
Waco Union Female Institute	F. Waco		Ind. Board	Feb. 16, 1858	
Bosque College and Seminary	Bosque, McLennan Co.		Ind. Board	Feb. 16, 1858	
Corpus Christi Academy	Corpus Christi		Stock Co.	Feb. 16, 1858	
Seguin Male and Female College	M. and F. Seguin		Meth.		1858
Methodist Female Institute	F. Tyler		Meth.		1859

EIGHTH LEGISLATURE

Texas Masonic Institute		Veal's Station, Parker Co.	Masonic	Jan. 2, 1860	
Starrville Union Academy		Starrville, Smith Co.	Ind. Board	Jan. 24, 1860	

Alamo College	M.	San Antonio	Meth.	Jan. 25, 1860
San Antonio Female College		F. San Antonio	Meth.	Jan. 25, 1860
Prairie Lea Female Institute (Formerly Masonic F. Inst.)		F. Prairie Lea	Masonic	Jan. 31, 1860
Bright Star Educational Society		Hopkins Co.	Ind. Board	Feb. 14, 1860
McKinzie Male and Female College		M. and F. (near) Clarksville	Meth.	Jan. 31, 1860
Cedar Grove M. and F. Institute		M. and F. Cedar Grove, Kaufman Co.	Meth.	Feb. 9, 1860
Clifton Academy		Bosque Co.	Ind. Board	Feb. 11, 1860
Ewing College (Formerly LaGrange Collegiate Institute, 1852)		La Grange	Presb.	Feb. 11, 1860
German English School		San Antonio	Ind. Board	Feb. 2, 1860
Waco Classical School (Formerly Trinity River High School)		M. Waco	Bapt.	Feb. 2, 1860
Masonic and Odd Fellows				1856
M. and F. Academy	M. and F.	Navarro Co.	Masonic	Feb. 8, 1860
Texas Medical College		Houston	Ind. Board	Feb. 8, 1860
Guadalupe M. and F. College	M. and F.	Seguin	Meth.	Feb. 8, 1860
Salado College	M. and F.	Salado	Stock Co.	Feb. 8, 1860
Fairfield Female College		F. Fairfield	Bapt.	Feb. 8, 1860
Fairfield Male Academy	M.	Fairfield	Bapt.	Feb. 8, 1860
Uphur Masonic College		Gilmer	Masonic	Feb. 8, 1860
Lexington M. and F. Academy	M. and F.	Lexington, Burleson Co.	Masonic	Feb. 10, 1860
Wharton College		Austin	Private	Feb. 11, 1860
The La Grange Casino		La Grange		Feb. 11, 1860
The Waco Female College (Waco F. Sem. and Waco F. Acad.)		F. Waco	Meth.	Feb. 11, 1860
Kaufman University		Kaufman	Ind. Board	Feb. 14, 1860
Washington Collegiate Female Inst.		F. Washington Co.	Ind. Board	Feb. 14, 1860

EIGHTH LEGISLATURE—Continued.

Institution	Male or Female	Location	Auspice	Date Chartered	Opened
Greenville Institute	Greenville		Ind. Board	Feb. 14, 1860	
Texas Baptist College	Tyler		Bapt.	Apr. 8, 1861	
Washington Male School	M. Washington				1861

NINTH LEGISLATURE

Rio Grande Female Institute
Waco University (Formerly Waco
Classical School)
Dallas M. and F. College

F. Brownsville
Presb.
Dec. 9, 1861
Waco
Bapt.
Dec. 24, 1861
M. and F. Dallas
Ind. Board
Mar. 3, 1863

TENTH LEGISLATURE

San Saba Masonic College
Parson's Female Seminary
Port Sullivan M. and F. College
Gathings M. and F. College
Henderson Masonic Female Institute
Osage Academy
Southern Minerva Institute
Richmond Seminary

San Saba Co.
Masonic
Dec. 11, 1863
F. Travis Co.
Ind. Board
Dec. 14, 1863
M. and F. Port Sullivan
Stock Co.
Dec. 16, 1863
M. and F. Hill Co.
Ind. Board
Dec. 16, 1863
Henderson
Masonic
May 25, 1864
Columbus
Ind. Board
Oct. 29, 1864
F. Austin
Ind. Board
Nov. 15, 1864
M. and F. Richmond
Ind. Board
Jan. 1865
Jan. 1864

ELEVENTH LEGISLATURE

Galveston Female Institute
Baylor Female College

Stock Co.
Aug. 30, 1866
Bapt.
Sept. 22, 1866
F. Galveston
F. Independence

Woodland College	Freestone Co.	Ind. Board	Oct. 18, 1866
Burnet Male and Female Academy	M. and F. Burnet	Ind. Board	Oct. 19, 1866
Bellview Academy	Bellview, Rusk Co.	Ind. Board	Oct. 24, 1866
Greenville Male and Female Academy	M. and F. -reenville	Stock Co	Oct. 27, 1866
Bastrop Casino Association	Bastrop		Oct. 27, 1866
Sister Grove M. and F. High School	M. and F. Sister Grove, Fannin Co.	Co. BAPT.	Oct. 27, 1866
Mt. Pleasant M. and F. Institute	M. and F. Mt. Pleasant, Titus Co.	Stock Co.	Oct. 30, 1866
Rural Encampment No. 19 I. O. O. F.		I. O. O. F.	Nov. 1, 1866
Oakland College	M. and F. Johnson Co.	Ind. Board	Nov. 2, 1866
Tyler Temple of Honor			Nov. 6, 1866
Stovall Academy	M. and F. Near Palestine	Ind. Board	Nov. 6, 1866
Georgetown M. and F. Academy	M. and F. Georgetown	Stock Co.	Nov. 9, 1866
Houston Scientific Institute*	Houston	Ind. Board	Nov. 10, 1866
Kaufman Male Academy	M. Kaufman	Ind. Board	Nov. 10, 1866
Texas Odd Fellows' University and Orphans Home	Bryan	Odd Fellows	July 28, 1870
Pennington College	M. and F. Trinity Co.	Ind. Board	July 28, 1870
Salter's Commercial and Literary College	Palestine	Ind. Board	Aug. 13, 1870
Butler Male and Female Academy	M. and F. Butler, Freestone Co.	Ind. Board	Aug. 13, 1870
Trinity University	M. and F. Tehuacana Hills	Presb.	Aug. 13, 1870
Weatherford Masonic Institute	Weatherford	Masonic	1870
Gregory Institute	Harris Co.	Patrons	Aug. 15, 1870
Paris Commercial College	Paris	Ind. Board	Mar. 18, 1871
Henderson Male and Female College	M. and F. Henderson	Ind. Board	Apr. 5, 1871
Jamestown High School	Jamestown, Smith Co.		Apr. 26, 1871
Douglasville College	M. and F. Davis Co.	Ind. Board	Apr. 26, 1871

*A sort of Lyceum for public lectures.

ELEVENTH LEGISLATURE—Continued.

Institution	Male or Female	Location	Auspice	Date Chartered	Opened
Johnson's Point M. and F. College	M. and F.	Johnson's Point, Kaufman Co.	Ind. Board	Apr. 26, 1871	
Mansfield Male and Female College	M. and F.	Mansfield, Tarrant Co.	Ind. Board	May 2, 1871	
West Fork M. and F. College	M. and F.	Red Sulphur Springs, Tarrant Co.	Bapt.	May 4, 1871	
Bluffton Male and Female Academy	M. and F.	(near) Llano, Llano Co.	Ind. Board	May 6, 1871	
Casino Society of Victoria	M.	Victoria	Ind. Board	May 9, 1871	
Cedar Male and Female Institute	F.	Hempstead, Austin Co.	Private	May 12, 1871	
Alta Vista Female Seminary		Waco	Patrons	May 16, 1871	
Howard Institute of Waco		Waco	Private	May 17, 1871	
Lamar Female Seminary	F.	Paris	Ind. Board	May 17, 1871	
Texas Dental College		Galveston	Ind. Board	May 22, 1871	
Marshall Female College	F.	Marshall	Ind. Board	May 22, 1871	
Charles Sumner M. and F. Academy	M. and F.	Henderson	Ind. Board	May 22, 1871	
Rockwall Institute		Rockwall, Kaufman Co.	Ind. Board	May 22, 1871	
Glover Male and Female Academy	M. and F.	Burnet Co.	Ind. Board	May 24, 1871	
Lebanon High School		Lebanon, Collin Co.	Ind. Board	May 26, 1871	
Bryan Male and Female Seminary	M. and F.	Bryan	Ind. Board	May 26, 1871	
Waco Female College		F. Waco	Meth.	May 26, 1871	

TWELFTH LEGISLATURE

Edon Academy		Cooke Co.	Ind. Board	Oct. 13, 1871	
Scyene Masonic M. and F. Institute	M. and F.	Scyene, Dallas Co.	Masonic	Oct. 24, 1871	
McKinney Academy Association			Ind. Board	Nov. 13, 1871	

Casino Society of Indianola	Indianola	Apr. 13, 1871
St. Mary's Institute	St. Mary's, Refugio Co.	Nov. 25, 1871
North Texas Collegiate Institute	Bonham	Nov. 25, 1871
Casino Society of Yorktown	Yorktown	Nov. 25, 1871
Round Mountain Educational Company	Blanco Co.	Nov. 25, 1871
Casino Society	Yorktown	Nov. 25, 1871

THIRTIETH LEGISLATURE

Burleson Male and Female Academy	M. and F. Bastrop Co.	Ind. Board	May 30, 1873
Centreville Academic School	Leon Co.	Stock Co.	May 17, 1873
Davilla Institute	Milam Co.	Bapt.	June 2, 1873
Excelsior College	Bastrop	Stock Co.	Mar. 13, 1873
Garden Valley Seminary	Garden Valley, Smith Co.	Ind. Board	May 14, 1873
Hallville Masonic Institute	Hallville, Harrison Co.	Masonic	May 17, 1873
Jefferson Institute	F. Jefferson, Marion Co.	Private	May 3, 1873
Little River Academy	Harrisville, Bell Co.	Masonic	June 2, 1873
Marvin College	Waxahachie	Meth.	May 8, 1873
Odd Fellows' Male and Female College	M. and F. Pittsburg, Upshur Co.	Odd F's'	Apr. 7, 1873
Owensville High School	M. and F. Owensville, Robertson Co.	Meth.	May 5, 1873
Rusk Masonic Institute	M. and F. Rusk	Masonic	May 8, 1873
Add-Ran Christian College			Mar. 14, 1873

1869-1883

MESSAGE OF GOVERNOR SAM HOUSTON TO THE
LEGISLATURE OF TEXAS

AUSTIN, JANUARY 13, 1860.

Gentlemen of the Senate and House of Representatives:
.....

I cannot press too earnestly upon the Legislature the subject of common school education. The success of the system already in operation is established beyond a doubt. Its application is general, and its defects as few as any system which could be applied to a population as scattered as ours. The nucleus of a complete system exists already; and we have in our public domain the means of strengthening it until its capacity will equal the demands made upon it as our population increases. No better use can be made of the proceeds of the sale of the alternate sections of land reserved to the State for any cause, than to apply the same to this fund.

I would also commend to your consideration the importance of extending a reasonable aid to institutions of learning, now in operation in our State, supported by private enterprise, and encourage by a general law the establishment of others. Our citizens have already displayed much zeal and enterprise in rearing up in our midst institutions which are accomplishing great good. To sustain these is difficult, and as the benefits arising from these are to be felt in the general prosperity of the State, and the intelligence of the entire people, a proper encouragement at the hands of the Legislature should be extended. Surrounded by proper guards, a measure of this character would be productive of great good.

The establishment of a university is, in my opinion, a matter alone for the future. At this time it is neither expedient nor is it good policy to provide for the sale of these lands set apart for the university fund. If at some future period it should be deemed expedient or in keeping with a more enlarged policy to devote our entire energies to a more general diffusion of knowledge than a university would afford, or even if the voice of the State should demand the establishment of one, these lands will then provide the means of advancing the

cause of education. When that period arrives their value will be greatly increased. If sold now but little will be derived from them, and before the expiration of twenty years, the time upon which over fifty thousand acres have already been sold, the lands will be worth more than three-fold the amount they should bring now, with accumulated interest.

.....

Our common schools fund already provides for the education contemplated by the Constitution, and if this amount, thus unnecessarily drawn from the general fund, will reduce the burthens of taxation, the people will be better able in the future to bear taxation to support a University, if one should be necessary.¹

AN ACT
CONCERNING COMMON SCHOOLS

Sec. 1. Be it enacted by the Legislature of the State of Texas, That when making the annual apportionment of the school fund, it shall be the duty of the County Court of each county to require of each teacher who claims any money on account of the tuition of indigent children, to produce a certificate signed by two responsible paying patrons of his school, stating that the children reported as indigent, are children whose parents or guardians are unable to pay, of orphans whose tuition is unpaid, or are the children of widows who have no greater amount of property than is secured by the Constitution and laws for forced sale. And unless upon such certificate no money shall be allowed or paid.

Sec. 2. No Chief Justice shall be allowed to make any

¹Crane, William Carey, *Life and Select Literary Remains of Sam Houston*, 616;

Journal of the Senate of Texas, 271-272;

Journal of the House, 395-96.

charge by way of commission or otherwise against the school fund, for his services in relation to the same.

Sec. 3. This act shall take effect from and after its passage.

Approved, February 8, 1860.¹

¹*General Laws of the Eighth Legislature of the State of Texas, 1860, 69.*

CHAPTER V

WAR TIME AND RECONSTRUCTION

The Civil War brought disaster upon the educational institutions throughout Texas. From 1861 to 1870 no funds were appropriated from the treasury of the State for the support of the school system. Some few schools of an elementary character survived and continued a rather precarious existence for a few months each year. The more pretentious institutions for men ceased except in a very few instances, and all were seriously affected. The schools for girls, however, were somewhat more fortunate.

This era of turbulence saw the formation in rather rapid succession of three State Constitutions, in 1861, 1866 and 1869. The first of these merely reiterated the principles of the former organic law of 1845. That of 1866 included among other things a provision for a State Superintendent of Public Instruction. The Constitution of 1869 was the product of the "Radical" element, and contained the most exacting provisions ever made for education in the State. It made attendance compulsory and provided for a State Superintendent, numerous district supervisors, and other officials.

The demands of the constitution of 1869 were first carried out in the law of 1870.

As this law was regarded with suspicion, indifference, and, in some instances, with positive hostility, it produced little or no results. It was followed by the drastic enactment of 1871. This new law contained several radical provisions which led to open revolt on the part of the majority of the people. In 1873 attempted modification of the severity of the former law was brought about in the interest of harmony but the people still refused to be reconciled to the system.

JOURNAL OF THE SECESSION CONVENTION 1861

City of Austin Texas.
Saturday, March 9,/61 3 o'clock P. M.

.....

Mr. Moore of Burnet offered the following resolution.

"Whereas there are some two and a quarter millions of the public domain of the State which is set apart to the several counties as school lands, and whereas the present inhabitants of

the State can derive no benefit whatever from this munificent donation in consequence of constitutional restrictions, and whereas the State requires the use of all her available resources for the present emergency in fostering her independence and in affording that protection to her citizens which is absolutely required; be it therefore,

“Resolved, That the committee on the Constitution be required to inquire into the expediency of reporting an ordinance to remove the said constitutional restrictions which prevent the disposal of the said lands, and that said committee report upon the same by ordinance or otherwise.”

Mr. Throckmorton offered the following as a substitute.

“Resolved, that the committee on the Constitution report an amendment to the 3rd Section of the 10th Article of the constitution to provide for the sale of the four leagues of school lands belonging to each county in the State, so that the same may be made available to the common school fund of the respective counties.”

On motion of Mr. Portis referred to the committee on the Constitution.¹

Committee Room, Austin March 13th 1861.

Hon. O. M. Roberts

President of the Convention.

Sir

.....

In looking about for resources belonging to the State, resources promising availability from whence to obtain means, the committee have found themselves confronted on the one hand by an empty treasury, and on the other by a plethoric body known as a school fund, into which every successive legislature have appeared to regard it as a sort of religious as well as patriotic duty to empty the property of the people. From statements made to us by the controller of the State, there is apparent to a certainty that a large deficit will, by January next, exist in the current income of the State.

¹*Journal of the Secession Convention of Texas, 1861, 130-131.*

By the provisions of Ordinance No. 2, herewith submitted, it will be seen that it is proposed to take from the common school fund the 10 pr. centum, deducted from the annual revenue of the State, in virtue of Sec. 2, Art. 10 of the constitution, and to apply it as far as necessary to the pay of the interest on the bonds provided for in Ordinance No. 1. To compensate the school fund, the El Paso reserve, estimated to be worth at least \$400,000, and consisting of 212 sections, is perpetually secured to it. The grant is declared organic, part of the constitution and irrevocable. This ought to be regarded as an ample equivalent, for it will be placing it utterly beyond disturbance. Now it is a mere legislative grant and subject to revocation.

Many gentlemen on the committee, and I among them, consider the constitutional provision an outrage upon the people and as demanding abrogation. When placed in the constitution, the State looked to no other means of erecting a common school fund, but since then the money arising from the adjustment of the boundary difficulty with the U. S. has fallen into her hands, and out of it she has appropriated the magnificent sum of \$2,000,000.00, all of which is now productive. If we only look ahead and anticipate a few years, what a vast leviathan in the shape of a school fund we behold. Ten years hence our State will so have grown in every respect that in lieu of a few hundred thousands of revenue millions will be coming in. Instead of the 10 pr. cent. yielding the modest sum of \$40,000 from \$100,000 to \$200,000 will be extracted from the hard earnings of the people. This in the judgments of a majority of the committee will be liberality with a vengeance. To educate the rising generation, that of the present day must be starved. Besides, what benefit at present does the fund yield to public schools? None I may say. The interest, say by way of illustration 6 pr. cent. on \$40,000, or \$2,400, is only distributed, giving to each scholar in the State the trifling sum of two cents per capita. And, too, this fund, taken from the pockets of the people, is now loaned to railroad companies at 6 pr. ct. when each tax payer, were he allowed to keep it, could loan it at 10 and 12 pr. ct. If it is to be continued, in the name of reason let it out for its value.

Few persons possess anything like a correct idea of the vastness of the common school fund. In railroad bonds, and in-

demnity bonds of the U. S., there is the magnificent sum of \$2,417,500. Besides this, four leagues of land were given to each county as a school fund, nine-tenths of the railroad reserves and other lands. Competent judges have not hesitated to say that the fund in money and lands amounts in value to from four to five millions of dollars. This being the case is that great charity seriously affected by taking from it the 10 pr. cent fund? The majority of the committee think not.

Ordinance No. 1., herewith reported, it will be seen authorizes the sale of \$500,000.00 of the U. S. Bonds now in the (Treasury) Department.

The Committee considered several modes by which to raise the money. It was suggested that the railroad bonds should be pledged—that bonds of the State be issued. These plans were thought inexpedient as involving, if practicable, too great a sacrifice. Hence they concluded to adopt the plan proposed, as the only one left. It is at least a feasible one, and one as little if not less likely to occasion serious loss than the other plans proposed in committee. Just at this moment the committee seemed to think it was both expedient and proper to get rid of the bonds of the U. S., and they deplored the fact that long since they had not been disposed of. But a short time since they were nearly at par. That they should have been gotten rid of, had those administering State affairs duly appreciated the signs of approaching disasters, admits of no doubt. Disposed rather to interpose obstacles to the will of the people, than to watch and guard the public interests, an opportunity has been allowed to escape never again to present itself. What we have to dread is that these bonds may become utterly worthless. Even should they not, already Texas holds sufficient claims upon the U. S. Government. If they should ever be settled, the State may justly reclaim from the other party any loss she may now sustain by being forced to sell the bonds. Ultimately she may have to submit to no loss.

.....

All of which is respectfully submitted.

Robt. C. Campbell
Chmn. Com. on Finance.¹

¹*Ibid.*, 150-154.

An Ordinance to repeal in part the 2nd Section, Article 10, of the Constitution, and for other purposes.

The People of Texas, in Convention assembled have ordained and declared, and do ordain and declare as follows, to-wit:

SECTION 1. That so much of section 2, Article 10, of the Constitution of the State as (2) provides for deducting from and setting apart as a fund for public Free Schools, ten per (3) centum of the annual revenue, and the law passed on the 11th day of February, 1850, (4) (vide Oldham & White's Digest, p. 59, art. 132) in pursuance thereof, be and they are hereby abrogated and repealed.

SECTION 2. In order to replace on a permanent footing the fund taken from the common (2) school fund by the first section of this ordinance, the lands now surveyed, and their (3) proceeds when sold, known as the alternate sections along the line of the Memphis, El (4) Paso and Pacific Railroad, in about 212 sections, are hereby declared to belong to and (5) constitute part of the Common School Fund, and, that the grant created by this section (6) may be perpetual, the same is hereby declared to be organic and as part of the Constitution (7) of the State irrevocable.

SECTION 3. That the semi-annual interest accruing upon the bonds, provided for by an (2) ordinance, entitled, "an ordinance to raise money to defray the extraordinary expenses (3) arising from the condition of public affairs, and to pay the expenses of the Convention," (4) may be punctually met, the ten per centum school fund mentioned in the first section of (5) this ordinance, as the same is received into the State Treasury, is, as far as may be (6) required therefor, hereby appropriated to pay and satisfy said semi-annual interest, and (7) which interest, when paid, shall be distributed as the income from the common school (8) fund is now distributed.

SECTION 4. That when said semi-annual interest is paid, the residue of said ten per centum (2) school fund is to pass into the general fund of the Treasury, subject to appropriation (3) as in other cases.¹

.....

¹The number in brackets indicate the number of the line of the printed bill.

Mr. Robertson of Bell submitted the following report from a minority of the committee:

Committee room, March 14, 1681,

Hon. O. M. Roberts,

President of the Convention.

The undersigned, a minority of the committee on Finance, beg leave to dissent from that portion of the report of the majority of the committee made to the Convention this morning which recommends the repeal of the 2nd section of the 10th art. of the Constitution. The section proposed to be repealed reads as follows:

“The Legislature shall as early as practicable establish free schools throughout the State, and shall furnish means for their support by taxation on property; and it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of the free public schools; and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools, in the several districts of the State, the fund thus created shall remain as a charge against the State passed to the credit of the free common school fund.”

It will be observed that this clause of the constitution is the very ground work of the common school system of the State and, in connection with the other sections of the 10th article of the constitution, constitutes the entire basis upon which the whole system rests. It is also worthy of notice that this section contains two distinct propositions. The first is that the legislature shall as early as practicable establish free schools throughout the State and shall furnish means by taxation on property for their support. The second proposition requires the legislature “to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools.” The legislature has not fully complied with the first one of these requirements. Free schools throughout the State have been established, but no tax has been levied, as this clause requires, upon

property to support them. The one-tenth becomes a permanent fund, and is also to go to the support of free schools, and the legislature is prohibited from ever diverting this fund. The first one of these requirements was to take effect in the future at such time as the legislature might deem the scholastic population sufficient and the finances of the State would permit the establishment of free schools. The last requirement, setting aside one-tenth of the revenue, took immediate effect. Therefore should the Convention repeal this section of the constitution the effect will be not only to take one-tenth of the revenue from the school fund but it will destroy the constitutional provision which requires the establishment and support of schools, so happily provided for in the organic law of the State, and leave the system dependent wholly upon the caprice of subsequent legislation.

By an act of the legislature of date January 31, 1854, two millions of the United States five per cent bonds were set aside as a fund for the support of the free schools, the bonds to be loaned to railroads and the interest accruing to be distributed among the counties. By another act the one-tenth of the revenues which had previously accrued and were afterwards to accrue, were required also to be invested in the five per cent bonds and loaned in the same manner. Other acts require the proceeds arising from the sale of the public domain to be added to the school fund. It is from these several sources that we have for distribution, in the year 1860, among the several counties the sum of \$104,447.00. The number of the scholastic population amounting to 101,000. So we find that, if the money was distributed equally among the scholars, there would be something over one dollar to each one. But, in a spirit of liberality and justice worthy the age in which we live, and actuated by the highest and truest sense of duty, the legislature wisely provided that the whole amount of the school fund subject to distribution shall be applied to the payment of the tuition, first, "of all children whose parents or guardians are unable to pay the same, of orphans whose tuition has not been paid, and the children of widows who have no greater amount of property than is secured by the constitution from forced sale." If, after the indigent children, orphans and the children of widows have been provided for, there remains a surplus, it is to be divided

among the paying patrons. Thus it will be seen that the whole amount derivable from all sources is barely sufficient to do more than provide the means of an ordinary education for those unfortunate children who are without fortune, friends or relative to protect, educate, and fit them for society. Never, in any age or country, has there been a more wise, just and humane provision of law. It is not only the poor unfortunate children of Texas who are to be reclaimed from ignorance and a feeling of inferiority unworthy of freemen, but the wealthy classes are alike to be benefited on account of superior intelligence of those who sit upon juries, and who will constitute a large proportion of that society of which ourselves and our children are to be members. Surely then the representatives of the people of Texas will not destroy this fund which has heretofore been regarded as sacred, and which is the hope of so many of the widows, orphans and helpless ones of our noble State.

The undersigned are of the opinion that no necessity exists, or is likely to occur, which requires this provision of the organic law to be repealed. And we are very far from admitting that we are without resources to meet the interest on the \$500,000 of State bonds proposed to be issued.

There is yet due the State on the University lands heretofore sold and to be paid before January 1869, of principal and interest \$155,938.20. There remains unsold of the University lands 164,200 acres. There can be realized from these lands, to be sold as proposed by the committee, by January 1869, \$523,600.44. Then, add the proceeds of the sales of the 135,680 acres of land in the Memphis El Paso Railroad reserve, to be sold in the same manner as the University lands, at a minimum price of two dollars per acre, and we will have the further sum of \$325,758, making a sum total of principal and interest derivable from these sources up to January, 1869, of something over one million of dollars, leaving untouched the one-tenth of the revenues set aside by the constitution for the support of free schools.

It may not be uninteresting to reflect a moment and contemplate what the amount of this school fund will be fifty years hence if fostered and protected. Taking \$36,000 as the basis, the amount for this year, and supposing the increase of property

and its value at 10 pr. et. pr. annum, at the end of fifty years we have a fund from this source of \$46,293,688, the interest on this vast sum to be distributed for the support of schools, and accumulated so imperceptibly as not to be felt by the people.

Fifty years hence the population of this great State will have increased to millions, and notwithstanding such vast increase in the population as we know will take place, yet the school fund will have so increased, and even long before the period alluded to, that not only the indigent and orphan children can be educated by the State, but every child of Texas, of however exalted or humble parentage, can be most munificently cared for and educated. Let those who this day control the destinies of Texas not prove recreant to the high trust committed to them by those men whose strong arms and stout hearts redeemed Texas from Mexican tyranny and bigotry, and who so wisely conceived and inaugurated this just and humane policy of educating the masses. It is idle to say that the people have complained of this provision of the constitution. When they do it will be time enough to consider of its repeal.

In addition to the foregoing constructions, it may not be improper to suggest that the history of past legislation abundantly establishes the fact, that but for the constitutional inhibition on the powers of the legislature the entire amount of the revenue would from session to session be appropriated and expended, and it is confidently believed that whatever amount is placed by the organic law beyond the reach of the legislative appropriations will be almost a clear saving to the tax payers of the State.

It should be remembered that the school fund is not an idle fund, but that as it accumulates it is to be invested in the bonds of the Railroad companies in the State. Thus it will be seen that every class of our citizens is benefited. And everyone acquainted with the history of the State must know that had it not been for the blending of the school system with that of internal improvements, Texas this day would have been destitute of railroads, and without that certain prospect of having the vast interior of our State penetrated by these arteries of trade and commerce. Let us guard and foster these two great interests of the State, and let them go hand in hand together. By so doing

we conceive the truest and best interests of the State will be subserved.

The undersigned will add that it may not be improper, in their judgment, to so amend the organic law as to provide that the one-tenth of the annual revenues of the State, sufficient for the ordinary expenses of carrying on the State government, shall be a permanent fund for the support of free schools, and that the one-tenth should not be taken from any increase of the taxes which may have to be levied to meet the extraordinary expenditures, such as the debt already contracted for frontier defense or to repel invasion.

Respectfully presented,

J. W. THROCKMORTON,

Wm. H. STEWART,

E. S. C. ROBERTSON.

On motion of Mr. Campbell 200 copies of the reports and ordinances were ordered to be printed.¹

THE CONSTITUTION OF THE STATE OF TEXAS

As Amended in 1861

.....

ARTICLE X

EDUCATION

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

SEC. 2. The Legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support, by taxation on property: And it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support

¹*Ibid.*, 157-163.

of free public schools, and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools in the several Districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

SEC. 3. All public lands which have been heretofore, or which may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease for a term not exceeding twenty years, in such manner as the Legislature may direct.

SEC. 4. The several counties in this State which have not received their quantum of lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas to other counties.¹

INAUGURAL ADDRESS OF GOV. MURRAH

Gentlemen of the Senate and House of Representatives, Ladies, and you, my Fellow-Citizens:

.....

In the midst of this revolution, the education and the training of the rising generation appeals with peculiar force to the whole society and to the authorities of government, so far as they have control over the subject. We are losing many men by the casualties of the war, and many others are absent from home beneath the banner of their country contending with the foe, some of whose sons cannot be educated unless they receive aid from the State through that system which finds its foundation in the Constitution. The lapse of but a few years will introduce the youth of the land upon the stage of active life, to act their part in society for good or for evil. Every consideration as to the welfare of society, and of government, under our institutions, requires that they should be trained, educated and pre-

¹The Constitution of the State of Texas, as Amended in 1861, 36-37.

pared for the stern and varied duties that lie before them as citizens.¹

MESSAGE OF GOV'R P. MURRAH
TO THE TENTH LEGISLATURE

Senators and Representatives:

.....

I feel constrained to bring to your attention the subject of Common Schools, and the condition of the support provided for them by law. For the past two years the amount distributed in support of these schools has been insignificant. The report of the Treasurer and Ex-officio Superintendent is before you, and reveals the aid received by them from the State for the period mentioned. The cause of education is a sacred one, and if neglected, the only satisfactory excuse that can be given to society and to the rising generation, must be NECESSITY. We know not how long the war may continue, and we should shape our ends in reference to this uncertainty. This fact alone is sufficient to demonstrate the great and general interests involved to the growing minds of the State, in making that system, whose foundations rest in the Constitution, as efficient as the facts connected with the subject and the surroundings of the country will permit for their benefit. The benefits to flow from this system of popular education, were intended, primarily for the poor; and if this fountain is dried up, their prospects and hopes of mental culture and training are blasted. The interests of society and of government, the future usefulness and respectability of many a poor boy—sons, perhaps, of fathers who have perished upon the field of glory in defending their country—sons of those who are still battling in freedom's cause, but who are unable to provide for the education of their children, are involved in this matter. I know that the subject is surrounded by embarrassments, and perhaps the greatest embarrassment is the currency.

There is due to the Common School fund, upon Bonds of R. R. Co.'s, about three hundred and forty-five thousand, three hun-

¹*Inaugural Address of Gov. P. Murrah Delivered November 5th, 1863, 7.*

dred and seventeen dollars and sixty cents, (\$345,317.60.) The annual accumulation of interest upon these bonds as they now stand, is about one hundred and six thousand, eight hundred and fifty-eight dollars and eighty cents (\$106,858.80). The Bonds of these Companies will, in a few years, begin to fall due—then, with years of accumulated interest against them, their rolling stock, bridges, superstructures, &c., worn and deteriorated during the war, while they have no chance to procure a new supply, it is not difficult to foresee that some of them, if not all, may be greatly embarrassed.

The interests of the R. R. system and the Common School system are connected through the policy of State legislation, and the State is interested in fostering, preserving and extending both systems; but this policy is defeated as soon as one system is permitted to destroy the other.

The currency renders the subject exceedingly embarrassing. From what I have learned, Companies have failed to pay the interest upon their Bonds, only because they are not permitted to do so in such currency as they could command. What the condition of the Companies now is, and what their ability to pay, I am not informed. I have heard that some would pay, if permitted to do so, in Treasury Warrants, but I vouch not for the correctness of the statement.

The practical end to be aimed at, as it seems to me, is to secure to the State the same amount of tuition, or an approach to it, for the sums due the School Fund, that might have been secured, heretofore, under existing laws. Is this end attainable? Of course, I do not intend to be understood as indicating, that in opposition to the general policy of the State in suspending the laws for the collection of debts, that an exception should be made of R. R. Co.'s. To make such an exception, and to force, or attempt to force them to payments in a currency that they could not command, I should deem unjust and oppressive, and it would certainly, for a long time, defeat the objects that might be attained by managing this whole subject with a practical wisdom, that may secure justice to the School fund, upon some plan that would, under the circumstances surrounding the country, be at the same time just to R. R. Companies.

I have thus arranged these facts and considerations, that this whole subject might receive at your hands that full, liberal, and practical consideration which its great and general importance deserves, and with the hope that you may be able to work out practical results, just to the two great public interests involved.

.....
P. MURRAH.¹

CO-EDUCATION

Minutes of the Board Trustees, Waco University and Classical School. Waco, July 19, 1865.....

.....
The question of establishing a Female department to the University was then freely discussed, where upon the following resolution was unanimously agreed to and adopted by the board:

Whereas it was the original design of the friends and trustees of the Waco University to provide for the education of the youth of both sexes and, whereas, in the opinion of the trustees the time has arrived to begin a female department.

Resolved: That we believe the enterprise practicable only as combined with the male department and as such resolved further that we do organize a female department combined with the male both to be presided over by the same president and taught by the same teachers.

Resolved further, That the executive committee be instructed to have the college buildings made comfortable and to add such other improvements as the means placed in their hands will enable them to do to provide accommodation for the female department, and carry into effect the foregoing resolutions.

Secretary.²

JOURNAL OF THE TEXAS STATE CONVENTION

TUESDAY, February 13th, 1866.

.....
Mr. Whitfield offered the following resolution:

Resolved, That the Committee on Education ascertain from

¹Message of Gov'r P. Murrah to the Tenth Legislature, 9-10.

²Archives of Baylor University.

the Governor and Heads of Departments such information as they may be able to impart as to the amount of funds on hand belonging to the Common School fund, the amount due from the State, and the several railroads, to said fund.

Also, that the Committee ascertain what amount of the public lands have been surveyed and set aside for Common Schools, and under what laws, if any, the unappropriated public domain, or the proceeds arising from the sale thereof, have been set aside for school purposes.

Also, that the Committee ascertain from the Commissioner of the General Land Office the amount of lands that have been surveyed for the several counties, under the law of the Republic, and the Constitution of the State, granting to each county — leagues of land for school purposes.

That the Committee be instructed to report such measures as may be deemed proper to secure the various amounts due to the school fund.

Also, that said Committee inquire into the expediency of providing in the Constitution for the electing, by the people, of a Superintendent of Common Schools.

Adopted.¹

.....

THURSDAY, February 15, 1866.

.....

Mr. Wilson also offered the following:

Resolved, That the Committee on Education be requested to direct their attention to Section 2, Art. X, of the Constitution, and determine as to whether the same should not be stricken out, or amended, and report their action in the matter.

¹*Journal of the Texas State Convention, Assembled at Austin, Feb. 7, 1866, 32-37.*

Pending which, on motion, the House adjourned until 10 o'clock tomorrow morning.¹

FRIDAY, February 16th, 1866.

.....

Mr. Saunders offered the following resolution:

Resolved, That the Comptroller of the State be required to furnish this Convention with such data as may be in his possession as to the amount and character of funds paid for school lands during the existence of the rebellion.

Laid over, to come up in order.²

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SATURDAY, February 24th, 1866.

.....

Mr. Taylor of Houston made the following report from the committee on Education:

COMMITTEE ROOM, February 23d, 1866.

Hon. J. W. Throckmorton, President of the Convention:

The committee on Education, to whom were referred various resolutions asking information in relation to the amount and condition of the common school fund, and the amount of lands set apart for school purposes, &c, have had the same under consideration, and instruct me to report that there is now due and belonging to the Common School fund as follows, to-wit:

Balance due upon principal of railroad companies.	
in bonds,.....	\$1,753,317.00
Interest due on same, to March 1, 1866.....	300,614.90
	<hr/>
Total amount due by railroads.....	2,053,931.90
“ “ “ on land sales.....	158,409.32

¹*Ibid.*, 45.

²*Ibid.*, 47.

School Fund	1,139,651.24
Whole Amount of School Fund.....	3,351,992.46

The State is indebted to the University Fund as follows, viz:

To U. S. Bonds.....	\$ 100,000.00
Interest on the same.....	9,888.92
Amount received on account of University lands sold	197,798.12
Total amount of University Funds.....	\$ 397,686.04

The several counties in the State are entitled by law to four leagues of land each, for school purposes. 82 counties have received patents for the full amount of their lands; 23 counties only a portion, and 51 counties none at all. Acres of University lands located, 220,866; acres sold, 58,683; total amount University lands located and unsold, 162,183 acres.

I am also instructed by a majority of said committee to report, that they have carefully, and with great deliberation, examined the 10th Article of the Constitution of the State of Texas, as adopted in 1845, and recommend the adoption of the accompanying ten Sections,¹ in lieu of the four Sections as they now stand

¹Ten Sections are as follows:

ARTICLE 10. EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

SECTION 2. The Legislature shall as early as practicable establish a system of free schools throughout the State; and as a basis for the endowment and support of said system; all the funds, Lands and other property heretofore set apart and appropriated or that may hereafter be set apart and appropriated for the support and maintenance of Public schools, shall constitute the public school fund, and said fund and the income derived therefrom shall be a perpetual fund exclusively for the education of all

in said 10th Article of said Constitution; and they also recommend the adoption of the accompanying ordinance to secure the payment, by the State, of the funds due to the common school and university funds. All of which is respectfully submitted.

Received, to come up in order.

Mr. Taylor of Houston also introduced the following

ORDINANCE

To provide for the Payment by the State, of the Sums of Money due the Perpetual Public School Funds:

SECTION 1. The Legislature, at its first session, shall provide that the Governor shall cause to be issued the Coupon Bonds of the State, to an amount equal to the sum now due the perpetual public school fund by the State, said bonds to be placed to the credit of the school fund; these bonds to draw interest at a rate not less than six per centum per annum; and also to provide, in like manner, for the payment of the sum due the university fund by the State. The bonds issued as above provided for shall bear interest from the date of their issuance.

Read first time.

the white scholastic inhabitants of this State and no Law shall ever be made appropriating said fund to any other use or purpose whatever. And until such time as the Legislature shall provide for the establishment of such system of public schools in the State, the fund thus created and the income derived therefrom shall remain as a charge against the State and passed to the credit of the free common school fund.

SECTION 3. And all the alternate sections of Land reserved by the State out of grants heretofore made or that may hereafter be made to Rail Road Companies or other Corporations, of any nature whatever; for internal improvements or for the development of the wealth and resources of the State, shall be set apart, as a part of the perpetual School fund of the State; *Provided* that if at any time hereafter any portion of the public domain of this State shall be sold, and by virtue of said sale the jurisdiction over said land shall be vested in the United States Government, in such event *one-half* of the proceeds derived from said sale shall become a part of the perpetual school fund of the

Mr. Taylor of Houston moved a suspension of the rules, in order that the report might be taken up.

Carried.

And he further moved, that 300 copies be printed, and made special order for Tuesday next, at 11 o'clock.

Carried.¹

.....

TUESDAY, February 27th, 1866.

.....

On motion of Mr. Gentry, the special order for the hour (report of committee on Education) was postponed until 11 o'clock to-morrow.²

.....

FRIDAY, March 16th, 1866.

.....

Article X, Education, taken up.

Mr. McCormack offered the following amendment :

State; and the Legislature shall hereafter appropriate one-half of the proceeds resulting from all sales of the public Lands to the perpetual Public School fund.

SECTION 4. The Legislature shall provide from time to time for the sale of Lands belonging to the perpetual Public School fund, upon such time and terms as it may deem most expedient; *provided* That in all cases of sale the preference shall be given to actual settlers upon time, and *further provided* that the Legislature shall have no power to grant relief to purchasers, by granting further time for payment but shall in all cases provide for the forfeiture of the land to the State for the benefit of perpetual Public School fund; and that all interest accruing upon such sales shall be a part of the income belonging to the School

¹*Ibid.*, 91-92.

²*Ibid.*, 104.

“Strike out the word ‘white,’ 6th line, 2d Section.”

Mr. Beall offered the following as a substitute for the ordinance:

ARTICLE X—EDUCATION

Resolved, That all the lands, funds, and other property, known as, or belonging to, the school fund, shall revert to the State, to be used as the Legislature may deem most conducive to the public benefit.

Mr. Whitfield moved to lay the amendment and substitute on the table.

On motion of Mr. Davis of Webb, a division of the question was granted.

The question recurring on laying Mr. Beall’s substitute on the table, the same was put, and the substitute was laid on the table.

Fund and subject to appropriation annually for educational purposes.

SECTION 5. The Legislature shall have no power to appropriate any part of the principal sum of the perpetual school fund for any purpose whatever; and it shall be the duty of the Legislature to appropriate annually the income which may be derived from said fund for educational purposes, under such system as it may adopt; and it shall from time to time cause the principal sum now on hand arising from sales of land or from any other source, to be invested in the Bonds of the United States of America, or the Bonds of the State of Texas or such bonds as the State may guarantee for internal improvement purposes.

SECT. 6. All public lands which have been heretofore, or may be hereafter granted for public schools to the various counties or other political divisions in this State shall be under the control of the Legislature, and may be sold on such terms and under such regulations as the Legislature shall by law prescribe, and the proceeds of the sale of said lands, shall be added to the perpetual public school fund of the State. But each County shall receive the full benefit of the interest arising from the proceeds of the sale of the lands granted to them respectively.

SECTION 7. The Legislature may provide for the levying of a

The question recurring on laying the amendment of Mr. McCormack on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Gentry, Giddings, Hancock, Hart, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Lindsey, Mabry, Middleton, Nelson, Norton, Norris, Parker, Parsons, Perry, Porter, Randolph, Record, Reeves, Runnels, Saunders, Saufley, Selman, Shields, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Waul, Walker, Whitfield, Wilson, Woods, and Young—60.

Nays— Messrs. Davis of Webb, Degener, McCormack, Murchison, Shepard and Varnell—6.

So the amendment was laid on the table.

The question recurring on the engrossment of the Article.

Mr. Degener offered the following amendment:

“Strike out the words ‘one-half of,’ 8th line, Section 3.”

Mr. McCormack offered the following amendment:

SEC. 2. After “State” in the second line, insert “providing

direct tax for educational purposes; *provided* that all the sums arising from said tax which may be collected from Africans or persons of African descent shall be exclusively appropriated for the maintenance of a system of public schools for Africans and their children;

SECTION 8. The monies and lands heretofore granted to or which may hereafter be granted for the endowment and support of one or more Universities shall constitute a special fund for the maintenance of said Universities, and the principal sums of said fund shall be invested in like manner, and under the same restrictions as provided for the investment and control of the perpetual public school in Sections (4 and 5) four and five of this article of the Constitution, and the Legislature shall have no power to appropriate the University fund for any other purpose than that of the maintenance of said Universities, and the Legislature shall at an early day make such provisions by Law

so that the white schools and colored schools shall be kept separate and distinct.’’

The question being on the adoption of the amendment of Mr. McCormack.

Mr. Bradshaw moved to lay said amendment on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Gentry, Giddings, Hancock, Hart, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsay, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shuford, Shaw, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Walker, Whitfield, Woods and Young—56.

Nays—Messrs. Bacon, Davis of Webb, Degener, McCormack, Murchison, Parker and Waul—7.

So the motion prevailed.

as will organize and put into operation the University.

SECTION 9. The Legislature shall elect an officer to be styled the “Superintendent of Public Instruction,” who shall be elected by the Legislature. His term of service shall be four years, and his annual salary shall not be less than (\$2000) Two Thousand Dollars, payable at stated times, and the Governor, Comptroller and Superintendent of Public Education shall constitute a board to be styled the Board of Education, and shall have the general management and control of the perpetual public school fund, under such regulations as the Legislature may hereafter prescribe.

SECTION 10. The several counties in this State which have not received their quantum of the lands for the purposes of education shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas and the State to other counties.¹

¹Copied from the original manuscript draft of the Article. Found in the vaults of the Secretary of State.

Mr. Davis of Cherokee offered the following amendment to the 2d Section:

“And the Legislature shall not, under any pretense whatever, loan said fund, or any part thereof, for any purpose whatever.”

Withdrawn.

Mr. Degener offered the following amendment to the 3rd Section:

“Strike out the words ‘one-half of,’ 8th line.” *Lost.*

Mr. Ireland moved to amend the 4th Section by striking out the words “upon time,” 3d line.

Adopted.

Mr. Davis of Cherokee offered following amendment to the 5th Section:

Insert the words “or loan,” between the words “appropriate” and “any,” in the first line.

Mr. Bradshaw offered the following amendment to Section 5:

“Strike out all after the word “Texas,” in the sixth line.”

Withdrawn.

Mr. Wilson moved to lay the amendment of Mr. Davis of Cherokee on the table, and the Yeas and Nays being called, stood as follows:

Yeas—Messrs. Allen, Anderson, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hunt, Hurt, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Latimer, Mabry, McCormack, Nelson, Parsons, Phillips, Randolph, Record, Reeves, Roberts, Saufley, Shepard, Shields, Spaight, Taylor of Houston, Whitfield and Wilson—29.

Nays—Messrs. Bacon, Ball, Beall, Bengé, Bradshaw, Bumpass, Burke, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hancock, Hill, Ireland, Ledbetter, Middleton, Murchison, Norton, Norris, Parker, Perry, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Woods and Young—34.

Lost.

Mr. Smith of Colorado offered the following as a substitute for the amendment of Mr. Davis of Cherokee:

After the word appropriate, in the 1st line, insert the words "or loan or invest, except as follows."

Adopted.

The question recurring on the adoption of the substitute as part of the Section, the same was put, and adopted.

Mr. Ireland offered the following amendment to 5th Section: Strike out all after the word "guarantee," in the 7th line.

Adopted.

Mr. Bumpass offered to amend as follows:

Strike out all after the word "America," in the 6th line.

And the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bradshaw, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hart, McCormack, Murchison, Norton, Parker, Perry, Saunders, Taylor of Fannin and Young—15.

Nays—Messrs. Allen, Anderson, Bacon, Ball, Beall, Benge, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Haneock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Mabry, Nelson, Norris, Phillips, Record, Reeves, Roberts, Saufley, Shields, Shaw, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Whitfield, Wilson and Woods—43.

Lost.

Mr. Thompson offered the following amendment to Section 5:

Strike out all after "whatever," in 2d line, down to "and it," in the 4th line.

Lost.

Mr. Hart moved to adjourn until 9½ o'clock tomorrow morning.

Carried.¹

.....
SATURDAY, March 17th, 1866.
.....

The question pending at the hour of the last adjournment, viz: Art. X, Education, again taken up.

¹*Ibid.*, 198-201.

Mr. Camp of Upshur offered the following as a substitute for the Article under consideration :

ORDINANCE

Be it ordained, That the school fund, heretofore set apart by the State for educational purposes, together with all lands, known as school lands, including University lands, &c., shall be divided by the Legislature among the several counties of this State, according to the scholastic population of each; and should the Legislature find the division of the lands above specified impracticable, in that event they may order the sale thereof on such terms as they may deem best; the proceeds arising from said sales, together with the fund so divided, shall be used by the several counties for educational or other purposes, as the County Courts thereof may determine: *Provided*, that the lands heretofore located, or that may hereafter be located, by the several counties of this State, shall not be included in this division, but shall be retained, and remain at the disposal of those counties by which they were so located, at the discretion of their several County Courts.

Mr. Runnels offered the following as a substitute for the first four lines of Mr. Camp's substitute :

That the school fund heretofore set apart by the Legislature of the State for educational purposes revert to the Treasury of the State, the principal and interest, either or both of which, (as the emergency may require,) shall be used and appropriated by the Legislature in payment of the public indebtedness, and the ordinary expenses of the State Government hereafter arising :

Provided, that in no event shall the Legislature have power to relieve the corporations from the full payment of their indebtedness, or any portion thereof, (either whole or in part,) to said fund.

Mr. Norton moved to lay the substitute of Mr. Camp and the substitute of Mr. Runnels on the table.

On motion of Mr. Hart, a division of the question was granted.

The question being on laying the substitute of Mr. Runnels on the table, and the Yeas and Nays being called for stood thus :

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of

Webb, Degener Drake, Gentry, Hart, Henderson, Hunt, Hurt, Johnson, of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Perry, Phillips, Ranck, Randolph, Saufley, Shepard, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell, Whitfield, and Woods—37.

Nays—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Giddings, Hancock, Hill, Ireland, Johnson of Tarrant, Lindsey, Norris, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Thompson, Walker, Waul, and Young—31.

So the substitute of Mr. Runnels was laid on the table.

The question recurring on the adoption of Mr. Camp's substitute, Mr. Norton renewed his motion to lay the same on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Bumpass, Burke, Dalrymple, Davis of Webb, Degener, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Record, Reeves, Richardson, Saufley, Shepard, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Thompson, Walker, and Whitfield—48.

Nays—Messrs. Beall, Bengé, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Hart, Hurt, Latimer, Middleton, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Varnell, Waul, Woods, and Young—23.

So the substitute of Mr. Camp was laid on the table.

Mr. Ireland proposed to amend the 6th Section by striking out the words "or other political divisions," in the second line.

Lost.

Mr. Davis of Cherokee proposed to amend by striking out the word sold, 6th Sec., 3rd. line, and insert in lieu thereof the word lease.

The hour having arrived for the consideration of the ordinance

introduced by Mr. Hancock, touching the liabilities of the State for debts contracted in support of the Asylums, and because of pensions, the same was taken up, and, on motion of Mr. Waul, postponed to await the report of the committee to whom it was referred.

The question recurring on the amendment proposed by Mr. Davis, to the 6th Sec. of the Article on Education, Mr. Whitfield moved to lay the amendment of Mr. Davis of Cherokee on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Degener, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Reeves, Roberts, Saufley, Shepard, Shields, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Waul, Whitfield, and Woods—49.

Nays—Messrs. Bacon, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Flanagan, Record, Richardson, Runnels, Saunders, Selman, Shaw, Varnell, Walker, and Young—15.

So the amendment was laid on the table.

Mr. Degener offered to amend the 6th Section by striking out all after the word State in the 5th line.

On motion of Mr. McCormack, the amendment was laid on the table.

Mr. Camp of Upshur moved to strike out the 6th Section by way of amendment.

The Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Beall, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Hill, Saunders, Selman, and Young—8.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parsons, Perry, Phillips, Por-

ter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Whitfield, and Woods—57.

The amendment was lost.

Mr. Roberts offered a substitute for the whole Article, and having the floor, was called to order by the President under the ten minute rule, and the question being, shall the gentleman have leave to proceed, the same was put, and the leave granted.

The question recurring on the adoption of the substitute offered by Mr. Roberts, Mr. Henderson moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Bengé, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Hancock, Henderson, Hunt, Johnson of Tarrant, Johnson of Titus, Latimer, Ledbetter, Mabry, McCormack, Murchison, Nelson, Norton, Parsons, Ranck, Reeves, Richardson, Saufley, Shields, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Waul, Whitfield, and Woods—36.

Nays—Messrs. Ball, Beall, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Flanagan, Lindsey, Middleton, Norris, Parker, Perry, Phillips, Randolph, Record, Roberts, Runnels, Selman, Shaw, Tyus, Varnell, and Walker—22.

The substitute was therefore laid on the table.

Mr. Henderson offered the following amendment to the 7th Section, viz:

Strike out all after Legislature in 1st line, and insert, "shall have no power to lay a direct tax for the support of common schools, or for educational purposes."

Mr. Slaughter offered the following as a substitute for the whole Article, and for the amendment of Mr. Henderson:

Resolved, That the school system as heretofore established, and as is proposed hereafter to be established, is a huge humbug, and, as heretofore practiced, has failed signally to "a general diffusion of knowledge;" and it is the sense of this Convention that, in view of our complicated condition, it is unwise that any system of public schools be adopted by this Convention, but that

the Legislature may hereafter provide for an efficient school system.

The question being on the adoption of the substitute offered by Mr. Slaughter, on motion of Mr. Whitfield, the substitute of Mr. Slaughter was laid on the table.

Mr. Record moved to adjourn till 7 o'clock to-night.

Carried.

Pending, the amendment of Mr. Henderson.

7 O'CLOCK P. M.

Convention met; roll called; quorum present.

Question pending at the hour of the last adjournment, viz: the amendment of Mr. Davis of Cherokee to the 6th section of the Article on Education reported by the committee on Education again taken up.

.....

The question recurring on the adoption of the amendment proposed by Mr. Davis of Cherokee, to amend said sixth section as follows, at the end thereof, "Provided, the Legislature shall not cause said lands or any part thereof to be sold, prior to the first day of January, A. D. 1870," and Mr. Reeves occupying the floor, he was called to order by the President, under the ten minute rule.

The question being, Shall the gentleman from Anderson proceed? and being put, the leave was granted.

The question recurring on the amendment of Mr. Davis of Cherokee, the same was withdrawn.

Mr. Degener offered the following amendment, to come in at the end of 6th section:

Provided, that no land shall be sold without the consent of the respective counties.

Mr. Walker, having the floor, was called to order by the President; and the question being, Shall the gentleman have leave to proceed? and the same being put, the leave was granted.

The question recurring on the amendment proposed by Mr. Degener, he accepted the following, offered by Mr. Reeves, as a substitute:

“*Provided*, that the lands already patented to the counties shall not be sold, without the consent of such county or counties to which the lands may belong.” To come in after the word “*respectively*,” in 6th line, Section 6.

Adopted.

Mr. Henderson offered the following amendment to Section 7:

Strike out all after the word *Legislature*, in first line, and insert, “shall have no power to levy a direct tax for the support of common schools, or for educational purposes.”

The question being on the adoption of said amendment, and the same being put, the amendment was lost.

Mr. Roberts offered the following amendment:

Amend the 7th Section by adding to the end of the first line the following words: “*Provided* the amount of taxes levied shall be disbursed from year to year, as the same may be collected;” and by adding to the end of the last word in Section 7 the words, “and provided, further, that the Legislature may tax one race and not tax the other, or may impose a different rate of taxation upon the two races, as the public interest may require.”

Mr. Beall offered the following as a substitute for Section 7 and the amendment proposed by Mr. Roberts:

Sec. 7. The Legislature may provide for the levying of a tax from Africans, or persons of African descent, which shall be exclusively appropriated to the maintenance of a system of public schools for Africans and their children.

Substitute of Mr. Beall lost.

The question recurring on the amendment of Mr. Roberts, the same was put and lost.

Mr. Johnson of Tarrant moved to strike out the 7th section.

On motion of Mr. Davis of Webb, laid on the table.

Mr. Record offered the following amendment:

Amend 7th section by striking out the word “*the*,” in the second line, and insert, after the word “*descent*,” in third line, “and none other,” and strike out, in third line, “*exclusively*.”

Mr. Varnell offered the following amendment, to come in at the end of the 7th section:

“*Provided*, that all sums collected from Africans shall be col-

lected by assessors and collectors of African descent, to be elected or appointed, as the Legislature may hereafter provide for.'"

Mr. Whitfield moved to lay the amendment of Mr. Varnell on the table, and the Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bengé, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Gentry, Giddings, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Ledbetter, Lindsey, McCormack, Middleton, Norton, Norris, Perry, Phillips, Porter, Record, Reeves, Roberts, Selman, Shepard, Taylor of Fannin, Taylor of Houston, Thompson, Walker, Waul, Whitfield, and Woods—38.

Nays—Messrs. Bradshaw, Degener, Flanagan, Murchison, Parsons, Ranck, Runnels, Saunders, Smith of Colorado, and Varnell—10.

So the amendment was laid on the table.

Mr. Davis of Webb moved to strike out the word "direct," in first line 7th section.

Proposed amendment accepted by Mr. Record; and the question being on the adoption of the amendment of Mr. Record, Mr. Ireland offered the following as a substitute for the 7th section and the amendment of Mr. Record:

Add, after word "tax," in first line, "upon Africans," and strike out second line, and third line down to "for."

Which was ruled out of order by the President.

The question recurring on the adoption of the amendment of Mr. Record, on motion, the question was divided, and the vote being first taken on the motion to strike out the word "direct," the same was put, and the amendment adopted.

The question being put on the amendment first proposed, the same was lost.

The Convention refused to adjourn, on motion.

Mr. Henderson moved the previous question.

Seconded.

The question being, Shall the main question be now ordered? and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bengé, Camp of Upshur, Flanagan, Giddings, Henderson, Hill, Ledbetter, McCormack, Murchison,

Phillips, Smith of Colorado, Taylor of Houston, Thompson and Varnell—15.

Nays—Messrs. Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Gentry, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Lindsey, Middleton, Norton, Norris, Parsons, Perry, Porter, Ranck, Record, Reeves, Roberts, Runnels, Saunders, Selman, Shepard, Slaughter, Taylor of Fannin, Thomas of Cameron, Walker, Waul, Whitfield, and Woods—35.

So the House refused to order the main question.

Mr. Norton offered the following amendment:

Amend Section 8 by striking out all after word "shall," in second line, and inserting, "be and the same is hereby added to the public school fund."

Mr. Record moved to reconsider the vote refusing to adopt his amendment, as divided.

The question being on the reconsideration, the same was put, and lost.

The question recurring on the adoption of the amendment of Mr. Norton, Mr. Whitfield offered the following amendment:

"Provided that the white children and those of African descent shall not be taught in the same school."

On motion, Convention adjourned till 9½ o'clock on Monday morning, pending the amendment of Mr. Whitfield.¹

.....
 MONDAY, March 19, 1866.

Question pending at the hour of the last adjournment, viz: the amendment of Mr. Whitfield to the 7th Section, Art. X, Education, of the Constitution, again taken up, and the question being on the adoption of said amendment, when the President declared the same to be out of order.

Mr. Camp of Goliad offered the following substitute for Section 8:

¹*Ibid.*, 204-211.

SEC. 8. The moneys and lands heretofore granted for the endowment and support of Universities, is hereby appropriated to the public school fund.

On motion of Mr. Hurt, the substitute was laid on the table.

Mr. Davis of Webb offered the following amendment to the 7th Section, to come in after the word "children," in the 4th line: "and it shall be the duty of the Legislature to encourage schools among these people."

Adopted.

Mr. Parsons offered the following amendment:

Amend Section 8 by striking out all after the word "shall," in 2d line, and insert the words "be transferred to the public school fund; and the Legislature may, at any time it may deem it expedient, appropriate so much of such public school fund as may be necessary for the erection and support of one or more Universities."

On the motion of Mr. Henderson to lay the amendment of Mr. Parsons on the table, the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Gentry, Hancock, Henderson, Hill, Hurt, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Mabry, McCormack, Murchison, Nelson, Norris, Perry, Phillips, Randolph, Reeves, Roberts, Runnels, Saunders, Shepard, Shields, Shaw, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, and Young—46.

Nays—Messrs. Beall, Camp of Goliad, Camp of Upshur, Flanagan, Giddings, Hunt, Middleton, Norton, Parsons, Porter, Ranck, Richardson, Saufley, Slaughter, Smith of Lamar, Taylor of Fannin, and Woods—17.

So the amendment was laid on the table.

Mr. Gentry offered the following as an additional Section to the Article:

SEC. 9. The four hundred thousand acres of land that have been surveyed and set apart, under the provisions of a law approved 30th of August, A. D. 1856, for the benefit of a Lunatic Asylum, a Deaf and Dumb Asylum, a Blind Asylum, and an

Orphan Asylum, shall constitute a fund for the support of such institutions, one-fourth part for each; and the said fund shall never be diverted to any other purpose. The said lands may be sold, and the fund invested under the same rules and regulations as provided for the lands belonging to the school fund; the income of said fund only shall be applied to the support of such institutions, and until so applied shall be invested in the same manner as the principal.

On motion of Mr. Saunders, the Doorkeeper, Mr. Flournoy, was excused for the day on account of illness.

The question recurring on the adoption of the additional Section offered to the Article by Mr. Gentry, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Armstrong, Ball, Bengé, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Gentry, Hancock, Hart, Henderson, Hunt, Johnson of Tarrant, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Perry, Ranck, Randolph, Record, Reeves, Richardson, Runnels, Saunders, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyrus and Young—43.

Nays—Messrs. Anderson, Bacon, Beall, Burke, Dalrymple, Flanagan, Giddings, Hunt, Jones of Bastrop, Parsons, Phillips, Roberts, Saufley, Shaw, Smith of Lamar, Taylor of Fannin, Walker, Waul, Whitfield, and Woods—20.

So the amendment was adopted.¹

.....

WEDNESDAY, March 21st, 1866.

.....

Mr. Thompson, in behalf of the Committee on Enrolled and Engrossed Ordinances, made the following report:

COMMITTEE ROOM, March 20th, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

The committee on Enrollment and Engrossed Ordinances in-

¹*Ibid.*, 214-216.

struct me to report that they have examined Article X, Education, and found it correctly engrossed.

Received and adopted.¹

.....

SATURDAY, March 24, 1866.

.....

ORDERS OF THE DAY

Article X, Education, an engrossed article, was taken up, and placed on its third and final reading.

Mr. Norton offered the following amendment:

Amend Section 8, by striking out all after the word "shall," in second line, and inserting, "be appropriated to the support of public schools, and is hereby passed to the credit of the free common school fund."

Mr. Henderson moved the previous question.

Seconded.

The question being, Shall the main question be now put? and the Yeas and Nays being called stood:

Yeas—Messrs. Anderson, Bacon, Beall, Bumpass, Camp of Upshur, Gentry, Gurley, Hancock, Henderson, Hill, Hunt, Jones of Bastrop, Lane, Mabry, Murchison, Perry, Reeves, Richardson, Saunders, Taylor of Houston, Varnell and Whitfield—22.

Nays—Messrs. Ball, Benge, Bradshaw, Burke, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Giddings, Hart, Hurt, Johnson of Tarrant, Ledbetter, Lindsey, Middleton, Nelson, Norton, Norris, Parsons, Paschal, Phillips, Roberts, Runnels, Sauffley, Selman, Shepard, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Thompson, Tyus, Walker, Waul and Woods—37.

So the House refused to order the main question.

The question recurring on the amendment of Mr. Norton, Mr. Hurt moved to lay on the table; and the Yeas and Nays being called, stood thus:

¹*Ibid.*, 233.

Yeas—Messrs. Anderson, Bacon, Bradshaw, Bumpass, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Murchison, Perry, Phillips, Reeves, Roberts, Runnels, Saunders, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Walker, Waul, Whitfield and Woods—39.

Nays—Messrs. Armstrong, Beall, Bengé, Burke, Camp of Goliad, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Lindsey, Middleton, Nelson, Norton, Norris, Paschal, Richardson, Sautley, Shaw, Smith of Lamar, Taylor of Fannin, and Varnell—22.

So the amendment was laid on the table.

Mr. Waul offered the following amendment:

SEC. 2. Strike out, in 6th line, the word "the," between for and education, and after education, in 6th line, to and, in 7th line.

Mr. McCormack moved that the Article and proposed amendments be recommitted to the committee.

Mr. Whitfield moved to lay the motion to recommit on the table; and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Bengé, Bradshaw, Bumpass, Burke, Camp of Upshur, Davis of Cherokee, Drake, Gentry, Gurley, Henderson, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Perry, Roberts, Saunders, Sautley, Selman, Shields, Smith of Colorado, Taylor of Houston, Walker, Whitfield and Woods—30.

Nays—Messrs. Bacon, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Flanagan, Giddings, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Phillips, Porter, Reeves, Richardson, Runnels, Shepard, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell and Waul—34.

So the House refused to lay on the table.

The question recurring on the motion to recommit, Mr. Whitfield moved a call of the House. Lost.

The question being on the motion to recommit, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Giddings, Gurley, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, Lindsey, McCormack, Middleton, Murehison, Norton, Norris, Parker, Parsons, Paschal, Phillips, Porter, Roberts, Runnels, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Tyrus, Varnell and Waul—39.

Nays—Messrs. Anderson, Armstrong, Bengé, Bumpass, Camp of Upshur, Dalrymple, Flanagan, Gentry, Henderson, Hill, Mabry, Nelson, Perry, Record, Richardson, Sauffley, Selman, Smith of Colorado, Taylor of Houston, Walker, and Whitfield—21.

So the Article and proposed amendment were recommitted.¹

.....

Mr. Degener moved to add Mr. Waul to the committee on Education.

Lost.

On motion, the Convention adjourned till half after 7 o'clock tonight.

7½ O'CLOCK P. M.

Convention met; roll called; quorum present.

On motion of Mr. Whitfield, the vacancies on committee on Education were filled.²

MONDAY, March 26, 1866.

.....

COMMITTEE ROOM, March 23d, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

The committee on Finance, to whom was referred the report of the committee on Education, have had the same under con-

¹*Ibid.*, 268-269.

²*Ibid.*, 270.

sideration, and find now due, and belonging to the common school fund, as follows:

6 per cent Bonds of Railroad Companies.....	\$1,753,317.00
Interest due on same to March 1, 1866.....	300,614.90
Specie derived from Revenue.....	46.83
	<hr/>
	\$2,053,978.73

They find also,

6 per cent. State Bonds, (manuscript substituted, by the Comptroller, in place of Warrants.....)	\$ 320,367.13
10 per cent. interest bearing Warrants.....	11,239.71
Non interest bearing Warrants.....	1,683.01
5 per cent. United States Bonds.....	634,000.00
Interest Coupons on same.....	132,700.00
Specie	26,937.88
Amount received from land sales.....	158,409.32
	<hr/>
	\$1,285,327.05

which has been converted and expended, or in controversy, under the acts of the officers of the State, since the 28th of January, 1861, and before the 5th of August, 1865, or rendered unavailable to said fund by the principle established in the ordinance, declaring the State debt void, by this Convention. The committee find there has been paid into the Treasury, on account of University lands:

Specie on account, principle, and interest on notes.\$	37,932.04
10 per cent interest bearing Warrants.....	12,230.39
Non-interest bearing Warrants.....	10,300.41
Confederate Notes	114,804.48
Transferred to State Revenue account.....	203,901.30
	<hr/>

Amounting to \$ 379,168.62

Which has been converted and expended, during the war, by the State authorities. They further state that,

5 per cent United States Bonds.....	\$ 100,000.00
Specie interest on same.....	9,472.26
Specie or coupons, 1 mo. interest.....	416.66
	<hr/>

Amounting to \$ 109,888.92

was transferred from the University fund to the State Revenue account in February, 1860, under an act of February 8th, 1860, and should be restored by the State to said fund.

That so much of the common school fund, 5 per cent United States Bonds and coupons, amounting to \$766,700.00, as may be used for the payment of the direct tax due the United States Government, should be placed to the credit of said fund, and secured by State Bonds; and the balance of said amount, should any portion thereof be traced and recovered, ought to be restored, and placed to the credit of the school fund, in such manner as the Legislature may hereafter provide.

The committee recommend that the State be released from any other, or further liability to said funds; the various amounts having been lost in the general destruction consequent upon the war, liable to the same objections, and dependent upon the same principles governing the Convention in their action upon the State indebtedness incurred during the war.

They recommend as a substitute for the ordinance referred to them for consideration the accompanying ordinance, and ask its adoption by the Convention:

AN ORDINANCE

Securing the Common School and University Funds, and for other Purposes.

Be it ordained by the people of Texas, in Convention assembled, That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent United States bonds, and interest transferred from the University fund to the State Revenue account, in February, 1860; and when issued, they shall be placed in the Treasury to the credit of said fund.

SEC. 2. *Be it further ordained,* That all 5 per cent United States Bonds and coupons, transferred from the common school fund since the 28th of January, 1861, that are in the possession of, or may be recovered by the State, shall be secured to said fund; and any portion of said bonds or coupons, that may be used for the payment of the direct tax due the United States, shall be secured by coupon bonds of the State, and placed to the

credit of said fund; and the Legislature of the State is hereby directed to carry this section into effect.

SEC. 3. *Be it further ordained*, That the Legislature of this State shall have no authority, and are hereby forbidden to assume, or provide by taxation, or otherwise, for the payment of any other claim, or pretended liability of the State, to said funds, not enumerated in this ordinance.

Read first time, and passed to the orders of the day.

.....

Mr. Whitfield, one of the committee on Education, made the following report:

COMMITTEE ROOM, March 26, 1866.

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on Education, to whom was referred the 10th Article of the Constitution and proposed amendment to the 2d Section of the Bill, having had the same under consideration, and a majority of the committee instruct me to report back the ordinance in its original state, and recommend its adoption as engrossed, without the proposed amendment, or any other.

Report received.

Mr. Waul submitted the following report in behalf of a minority of the same committee, touching the same subject:

COMMITTEE ROOM, March 26, 1866.

Hon. W. M. Taylor, President pro tem of the Convention:

A minority of the committee on Education, to whom was re-committed Article X of the Constitution, with the amendment offered in Convention, dissenting from the majority of the committee, beg leave to report the following amendment, and recommend its adoption:

AMENDMENT

Strike out, in Sec. 2d, all in the 6 line after the word exclusively, to the word and, in the 7th line, and insert, for education.

Read a first time.

On motion of Mr. Whitfield, the rule was suspended, and the reports of the majority and minority taken up.

Mr. Waul moved to substitute the report of the minority for that of the majority.

The hour having arrived for the consideration of the special order of the day, the same was taken up, and, on motion, postponed till 11½ o'clock, this day.

The question recurring on the motion of Mr. Waul to substitute, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Benge, Camp of Goliad, Davis of Webb, Degener, Drake, Giddings, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Murchison, Parker, Paschal, Phillips, Ranek, Roberts, Saunders, Shepard, Shields, Shaw, Smith of Lamar, Thomas of Cameron, Tyus, Varnell, and Waul—28.

Nays—Messrs. Anderson, Armstrong, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Gentry, Hancock, Hart, Henderson, Hurt, Lane, Lindsey, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Perry, Porter, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Selman, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Walker, Whitfield, Woods, and Young—41.

So the motion to substitute was lost.

The question being on the final passage of the Article, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Benge, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Webb, Hunt, Degener, Drake, Gentry, Giddings, Hancock, Henderson, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Nelson, Norris, Parker, Paschal, Phillips, Randolph, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson Tyus, Walker, Waul, and Whitfield—49.

Nays—Messrs. Beall, Bradshaw, Camp of Goliad, Flanagan

Gurley, Hart, Murchison, Norton, Parsons, Perry, Porter, Ranek, Runnels, Shaw, Varnell, Woods, and Young—17.

So the Article Passed.¹

MONDAY, April 2d, 1866.

.....

Mr. Davis of Cherokee moved to suspend the rule, to take up a report and ordinance from Finance Committee, touching the substituting of certain United States Bonds with State Bonds, &c. Carried.

Ordinance taken up, read a first time, and the question being on its engrossment, Mr. Whitfield offered the following as a substitute for the substitute reported by the committee, viz:

AN ORDINANCE

To provide for the payment, by the State, of the Sums of money due the Perpetual Public School Fund.

SECTION 1. The Legislature, at its first session, shall provide that the Governor shall cause to be issued the coupon bonds of the State, to an amount equal to the sum now due the perpetual Public School Fund, by the State; said bonds to be placed to the credit of the School Fund. These bonds to draw interest at a rate of not less than six (6 per cent.) per centum per annum; and also, to provide in like manner for the payment of the same due the University fund by the State. The bonds issued as above provided for shall bear interest from the date of their issuance.

Mr. Flanagan moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Drake, Flanagan, Gurley, Hancock, Hart, Hill, Latimer, Middleton, Murchison, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranek, Randolph, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Thomas of Cameron, Tyus, Walker, Waul and Woods—34.

¹*Ibid.*, 274-278.

Nays—Messrs. Armstrong, Ball, Gentry, Henderson, Johnson of Tarrant, Lindsey, Mabry, Reoord, Reeves, Taylor of Houston, Thompson, and Whitfield—12.

Substitute laid on the table.

Mr. Whitfield moved to lay the report and substitute of the Finance Committee on the table.

Carried.

Mr. Thompson filed the following protest:

I protest against the passage of the bill because, in my judgment, it has been unjustly and illegally passed, and will work injuriously to the good of the whole people of Texas.

WELLS THOMPSON.¹

CONSTITUTION OF 1866

.....

ARTICLE X—EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

SEC. 2. The Legislature shall, as early as practicable, establish a system of free schools throughout the State; and as a basis for the endowment and support of said system, all the funds, lands, and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated for the support and maintenance of public schools, shall constitute the public school fund; and said fund, and the income derived therefrom, shall be a perpetual fund exclusively for the education of all the white scholastic inhabitants of this State, and no law shall ever be made appropriating said fund to any other use or purpose whatsoever. And until such time as the Legislature shall provide for the establishment of such system of public schools in the State, the fund thus created and the income derived therefrom, shall remain as a charge against the State, and be passed to the credit of the free common school fund.

¹*Ibid.*, 359-360.

SEC. 3. And all the alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made, to railroad companies or other corporations of any nature whatever, for internal improvements, or for development of the wealth and resources of the State, shall be set apart as a part of the perpetual school fund of the State: *provided*, that if at any time hereafter any portion of the public domain of this State shall be sold, and by virtue of said sale the jurisdiction over said land shall be vested in the United States Government, and in such event *one-half* of the proceeds derived from said sale shall become a part of the perpetual school fund of the State; and the Legislature shall hereafter appropriate one-half of the proceeds resulting from all sales of the public lands to the perpetual school fund.

SEC. 4. The Legislature shall provide, from time to time, for the sale of lands belonging to the perpetual public school fund, upon such time and terms as it may deem expedient: *provided*, that in cases of sale the preference shall be given to actual settlers: and *provided further*, that the Legislature shall have no power to grant relief to purchasers by granting further time for payment, but shall in all cases, provide for the forfeiture of the land to the State for the benefits of a perpetual public school fund; and that all interest accruing upon such sales shall be a part of the income belonging to the school fund, and subject to appropriation annually for educational purposes.

SEC. 5. The Legislature shall have no power to appropriate or loan or invest, except as follows, any part of the principal sum of the perpetual school fund for any purpose whatever; and it shall be the duty of the Legislature to appropriate annually the income which may be derived from said fund, for educational purposes, under such system as it may adopt; and it shall, from time to time, cause the principal sum now on hand and arising from sales of land, or from any other source, to be invested in the bonds of the United States of America, or the bonds of the State of Texas, or such bonds as the State may guarantee.

SEC. 6. All public lands which have been heretofore, or may be hereafter, granted for public schools, to the various counties or other political divisions in this State, shall be under the con-

trol of the Legislature, and may be sold on such terms and under such regulations as the Legislature shall by law prescribe; and the proceeds of the sale of said lands shall be added to the perpetual public school fund of the State. But each county shall receive the full benefit of the interest arising from the proceeds of the sale of the lands granted to them, respectively: *provided*, that the lands already patented to the counties, shall not be sold without the consent of such county or counties to which the lands may belong.

SEC. 7. The Legislature may provide for the levying of a tax for educational purposes: *provided*, the taxes levied shall be distributed from year to year, as the same may be collected; and, *provided*, that all the sums arising from said tax, which may be collected from Africans, or persons of African descent, shall be exclusively appropriated for the maintenance of a system of public schools for Africans and their children; and it shall be the duty of the Legislature to encourage schools among these people.

SEC. 8. The moneys and lands heretofore granted to, or which may hereafter be granted for the endowment and support of one or more universities, shall constitute a special fund for the maintenance of said universities, and until the universities are located and commenced, the principal and the interest arising from the investment of the principal, shall be invested in like manner, and under the same restrictions as provided for the investment and control of the perpetual school fund, in Sections four and five (4 and 5) in this Article of the Constitution; and the Legislature shall have no power to appropriate the university fund for any other purpose than that of the maintenance of said universities, and the Legislature shall, at an early day, make such provisions, by law, as will organize and put into operation the university.

SEC. 9. The four hundred thousand acres of land that have been surveyed and set apart, under the provisions of a law approved 30th August, A. D. 1856, for the benefit of a Lunatic Asylum, a Deaf and Dumb Asylum, a Blind Asylum, and an Orphan Asylum, shall constitute a fund for the support of such institutions, one-fourth part for each; and the said fund shall

never be diverted to any other purpose. The said lands may be sold and the fund invested under the same rules and regulations as provided for the lands belonging to the school fund. The income of said fund only shall be applied to the support of such institutions; and until so applied shall be invested in the same manner as the principal.

SEC. 10. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint an officer to be styled the Superintendent of Public Instruction. His term of office shall be four years, and his annual salary shall not be less than (\$2,000) two thousand dollars, payable at stated times; and the Governor, Comptroller, and Superintendent of Public Instruction, shall constitute a Board to be styled a Board of Education, and shall have the general management and control of the perpetual school fund, and common schools, under such regulations as the Legislature may hereafter prescribe.

SEC. 11. The several counties in this State which have not received their quantum of the lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas, and the State, to other counties. And the counties which have not had the lands to which they are entitled for educational purposes, located, shall have the right to contract for the location, surveying, and procuring the patents for said lands, and of paying for the same with any portion of said lands so patented, not to exceed one-fourth of the whole amount to be so located, surveyed, and patented—to be divided according to quality, allowing to each part a fair proportion of land, water, and timber.¹

.....

¹*The Constitution of the State of Texas, as Amended by the Delegates in Convention Assembled, Austin, 1866, 27-30; Gammel's Laws of Texas, Vol. 5, (882-885).*

AN ORDINANCE

Securing the Common School and University Fund,
and for Other Purposes.

Be it ordained by the people of the State of Texas in Convention assembled, That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent. United States bonds and interest transferred from the University Fund to the State Revenue account, in February, 1860; and when issued they shall be placed in the Treasury to the credit of said fund.

SEC. 2. *Be it further ordained,* That all 5 per cent. United States bonds and coupons transferred from the Common School fund since the 28th of January, 1861, that are in the possession of, or may be recovered by the State, shall be secured to said fund; and any portion of said bonds or coupons that may be used for the payment of the direct tax due the United States, shall be secured by coupon bonds of the State and placed to the credit of said fund; and the Legislature of the State is hereby directed to carry this section into effect.

SEC. 3. *Be it further ordained,* That the Legislature of this State shall have no authority, and are hereby forbidden to assume or provide, by taxation or otherwise, for the payment of any other claim or pretended liability of the State to said funds, not enumerated in this ordinance.

Passed April 2, 1866.¹

INAUGURAL ADDRESS
OF
GOVERNOR THROCKMORTON
DELIVERED IN THE REPRESENTATIVE HALL
AUSTIN, AUGUST 9th, 1866

FELLOW-CITIZENS :

.....

Requiring the interest due the School Fund to be paid, with as

¹The Constitution of the State of Texas, as Amended by the Delegates in Convention Assembled, Austin, 1866, 42;

Gammel's Laws of Texas, 5. (899).

much leniency to Railroad Companies as a prudent regard for the fund, and the general interest of the country, will allow; the re-organization of the common school system, and the establishment of a State University, at the earliest period compatible with the depressed financial condition of our affairs.¹

.....

MESSAGE OF GOVERNOR THROCKMORTON

EXECUTIVE OFFICE,
AUSTIN, Aug. 18, 1866.

Gentlemen of the Senate and House of Representatives:

.....

EDUCATION

The Constitution requires the Legislature to make suitable provisions for the support and maintenance of Public Schools, making it obligatory, as early as practicable, to establish a system of Free Schools throughout the State. An ample amount of the public domain has been set aside, together with one-half of the proceeds arising from the sale of all lands, as a basis for a perpetual school fund. The fourth section of the tenth article of the Constitution says: "The Legislature shall provide, from time to time, for the sale of lands belonging to the perpetual school fund, upon such time and terms as it may deem proper." And it is of the greatest importance to get the system to work at the earliest practicable period, and as it cannot be done, except by using the interest as it accrues on the principal of the fund invested, or by resorting to taxation, it becomes a question for you to determine whether or not laws should be enacted at this session to carry into effect this requirement.

These lands should not be forced into market in large amounts, and only such as are most likely to command reasonably fair prices.

¹*Inaugural Address of Gov. J. W. Throckmorton, Delivered in the Representative Hall, Austin, August 9th, 1866, 5-6.*

It is not presumable that there will be any considerable demand for them for some time yet to come. But it may be well that a law should be passed placing a fair price upon the alternate sections, the field notes of which are in the General Land Office, allowing parties to purchase quarter sections, or even less amounts—say eighty or forty acres.

The sixth section of the same article of the Constitution places the lands heretofore granted to the counties for educational purposes under the control of the Legislature. I would respectfully suggest the enactment of a law that will authorize the sale of these lands. Leaving each county to determine the time of bringing its lands into market, and the amount to be sold from time to time; requiring the counties, before offering to sell, to sectionize and subdivide the sections proposed to be sold, and depositing the maps, plats, and field notes, or certified copies thereof, in the General Land Office. And as the interest accruing from the principal of the School Fund invested can alone be used, the Legislature should direct in what kind of interest bearing stocks or bonds the proceeds arising from the sale of the school lands shall be invested.

The second section of "an ordinance securing the Common School and University Funds and for other purposes," requires "that all the five per cent. United States bonds and coupons transferred from the School Fund since January 28, 1861, that are in the possession of, or may be recovered by the State, shall be secured to said fund." Whatever amount of these bonds that have been, or may be recovered should be sold, and the proceeds either placed in the general fund of the State, subject to appropriation, and replaced to the credit of the fund in interest bonds of the State, or other interest bearing stocks.

There are six per cent. bonds of the State in the Treasury to the amount of \$320,367.13, also ten per cent. State warrants amounting to \$11,239.71, and non-interest State warrants to the amount of \$8,234.27, that belong to the school fund, and were placed to its credit, in lieu of other means transferred to the State Revenue account by authority of law.

Under the third section of the Ordinance already referred to, the Legislature is prohibited from assuming or providing for

the payment of any liability of the State to the school fund not therein enumerated. It will be necessary, therefore, for your honorable body to provide for the cancellation of the bonds and warrants alluded to.

By an act of January 11th, 1862, \$580,000.00 United States bonds, and matured coupons to the amount of, \$37,175.00, were transferred from the school fund to the State revenue account. Of these bonds, \$112,000.00, and matured coupons amounting to \$24,875.00, were turned over to the Provisional Government. The State is indebted to the school fund for \$50,500.00 of this amount collected from the General Government and paid into the State Treasury, leaving \$62,000.00 unpaid, now deposited in the Treasury of the United States.

In compliance, therefore, with the Ordinance before referred to, interest bearing bonds of the State, or other stocks, should be placed in the Treasury to the credit of the fund, corresponding in amount to the funds already, or that may be hereafter collected. I ask your attention to this subject.

There is also in the Treasury, due the school fund, \$1,753,317 interest bearing bonds of railroad companies, with interest due upon said bonds up to March 1, 1866, amounting to \$300,209.89. I am unable to form an opinion as to the probability of the payment of this interest.

I would suggest a thorough scrutiny into the condition of the companies in debt to the school fund, with such action as will be most likely to secure the fund from loss. I would advise, however, a liberal and indulgent course, believing that rigid measures would be more likely to defeat than accomplish the object desired. The companies, like individuals, suffered much pecuniary loss during the war. Their roads were used by the Government, and when compensated at all, it was in depreciated currency, that finally died on their hands. In the meantime, the iron was wearing out, cross-ties rotting, roadbeds giving way and rolling stock becoming worn and useless. By no fault of theirs, perhaps, they have failed to comply with their obligations; when they were entered into, the country was enjoying profound peace—an unforeseen war and its disasters have pre-

vented them from complying with obligations which would otherwise have been easy of fulfillment.

Of available means in the Treasury belonging to this fund, there is, specie \$507.60, and non-interest bearing United States currency, \$19,263.06. I would recommend the investment of these sums in State or General Government securities. If invested in State bonds the money should be transferred to State revenue account. It is made the duty of the Governor, with the advice and consent of the Senate, to appoint a superintendent of Public Instruction. This is an important office, and absolutely necessary to the successful establishment and working of a common school system. I would recommend the passage of a law defining and prescribing the duties of such officer, and providing the necessary appropriation to carry the same into effect.¹

SPECIAL MESSAGE OF THE GOVERNOR

EXECUTIVE OFFICE,

Austin, Texas, Oct. 31, 1866.

Gentlemen of the Senate and House of Representatives:

.....

The seventh section of the tenth article of the Constitution gives the power to the Legislature to levy taxes for educational purposes, and provides that all sums arising from said tax, which may be collected from Africans or persons of African descent, shall be exclusively appropriated for the maintenance of a system of public schools for Africans and their children; and it shall be the duty of the Legislature to encourage schools among these people. Owing to the poverty of the people and their embarrassed pecuniary condition, it is not probable that your honorable body will levy an educational tax, but as the general tax laws will apply to all classes alike, I would respectfully recommend that the State taxes or a portion thereof that may be collected from freedmen, be relinquished to the counties with directions to the Police Courts that the same shall be applied to schools for the benefit of persons of color.

¹*Message of Gov. J. W. Throckmorton to the Legislature of Texas, 1866, 4-6.*

These people are among us, and are to remain. We can promote our own welfare, in contributing to their intelligence by such means as are at our command. It is the desire of the people of Texas that the legislation of the country shall be such as to promote the improvement and usefulness of these people, and at the same time tend to secure their confidence, and induce them to rely upon us for the advice and protection necessary to their property.¹

ON GRANTING ACADEMIC DEGREES

SENATE CHAMBER,

Sept. 28, 1866.

Senator Foscue, Chairman of Committee on Education, reported as follows:

The Committee on Education, to whom was referred a House bill, entitled "An Act to incorporate the Stovall Academy," have had the bill under consideration, and are of the opinion that the provision contained in the 3d section, giving the power to the Board of Trustees, to confer degrees and grant diplomas, is of doubtful propriety. The Committee are of the opinion that an academy ought not to be clothed with a power so rare and valuable in the scientific world, much less should a board of trustees be empowered to exercise it. The Committee therefore recommend that the words "confer degrees, grant diplomas," be stricken out of the bill, and so amended the bill be passed.

F. F. FOSCUE, Chairman.²

SENATE CHAMBER,

October 26, 1866.

Senator Brown made the following report:

To the President of the Senate:

The Committee on Education, to whom was referred the House bill entitled "An Act to incorporate the Stovall Acad-

¹*Journal of the House of Representatives of the Eleventh Legislature, 795-796.*

²*Journal of the Senate of Texas, Eleventh Legislature, 369.*

emy," have had the same under consideration and are of the opinion that the provisions contained in the third section, giving the power to the Board of Trustees to confer degrees and grant diplomas, is of doubtful propriety. The Committee are of the opinion that Academies ought not to be clothed with a power so rare and valuable in the scientific world, much less should a Board of Trustees be empowered to exercise it.

The Committee recommend that if the power to confer degrees is desired by those proposing to establish this or any other institution of learning, it be provided that the power shall be exercised either exclusively by the Faculty, or in conjunction with the Trustees, and the institution should be of such grade and character as that a diploma granted, or degree conferred by it would be expressive of the fact that the recipient had pursued a regular and thorough course of education, and was proficient therein.

The Committee, therefore, instruct me to report the accompanying substitute for the 3rd section, and when so amended, recommend the passage of the bill.

J. G. BROWN, One of Com.¹

SALE OF SCHOOL LANDS

SENATE CHAMBER,
Sept. 28, 1866.

Senator Foscue made the following report:

Hon. G. W. Jones, President of Senate:

The Committee on Education, to whom was referred a House bill to be entitled "An Act providing for a sale of the county school lands," have had the same under consideration, and instruct me to report the bill back to the Senate, and to state that in the opinion of the committee, the political condition of the country is so unsettled, and the actual demand for unimproved land so small, that it would be impolitic to authorize the police courts to put the school lands upon the market at this time, lest a part of that valuable endowment should be squandered by im-

¹*Journal of the Senate of Texas, Eleventh Legislature, 463.*

provident management. The committee therefore recommend that the bill do not pass.

F. F. FOSCUE, Chairman.¹

AN ACT REGULATING PUBLIC SCHOOLS

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Police Court shall be a Board of School Commissioners for each county, whose duty it shall be at the first session of said court, in 1867, to form their respective counties into school districts of convenient size, and number the same, so that each district may be known by its number; *Provided, however*, that in forming said districts, the convenience of neighborhoods shall be regarded as much as possible, and each school district shall contain a sufficient number of children for the maintenance of a school. It shall, at the same time, order an election by the qualified voters of each school district, for three Trustees for each district, giving ten days' notice of such election, by posting up advertisements of the same, at one public place, at least, in each district, stating fully the times and places of holding, and the object of said election.

SEC. 2. The County Judge shall appoint a suitable person in each district, to preside at the election in his district, who shall make his returns within ten days to said County Judge, said election being governed in all other respects by the laws regulating elections; and he shall order new elections to be held until Trustees are elected, and school houses are located. The Trustees so elected shall hold office until the first of August, 1868, but thereafter shall be elected annually; they shall select from their number a chairman, who shall, when necessary, call a meeting of the Trustees, preside at their deliberations, and perform such other duties as may hereafter be assigned him. Said Trustees shall be bodies corporate and politic, by the corporate names of "The Trustees of Common School District No.——— (filling the blank with the number of the district.) and for the purposes for which they are created, may sue and be sued, hold and dispose of property, and do such acts and things as are incident and necessary to the performance of their duties.

¹*Journal of the Senate of Texas, Eleventh Legislature, 274.*

SEC. 3. It shall be the duty of the District Trustees to fix the time and place for holding an election in their respective districts, for the location or selection of school houses within their respective districts, and to appoint a presiding officer. That the chairman of the Board of Trustees shall cause written notices of said election to be posted up for at least five days next preceding the election, in three public places in each school district. That the returns of said election shall be made within five days, to the chairman of said board, who shall examine the same, in the presence of his co-trustees; and a majority of the votes polled in a district, shall be necessary to the permanent location of a school house; and no change of the location of a school house thus located, shall be made, except by a majority of two-thirds of those voting in such election, taken after due notice as above provided.

SEC. 4. The Police Court shall distribute the funds to which each school district may be entitled, to the District Trustees of the same, which may be applied to the erection of good and substantial school houses, or to the payment of tuition, as a majority of the Trustees may determine.

SEC. 5. It shall be the duty of the School Trustees, for each district, as early as practicable after their election, by giving due notice, to call a meeting of all the patrons of the school in the district, and a majority of those present shall indicate to the Trustees the length of time during the year they desire a school, the kind of teacher they want, and the amount of salary they are willing to pay. It shall be the duty of said Trustees to observe, as far as possible, such instructions, to employ teachers of suitable moral character and qualifications, to visit from time to time, the district school, or schools, under their charge, to expel a pupil for misconduct, to examine all complaints between teacher and pupil of a serious character, to discharge a teacher for incapacity, or improper conduct, and generally to exercise supervision over the affairs of the school within their district.

SEC. 6. It shall be the duty of the chairman of the Board of Trustees for each school district, to present, at least once a year, his application to the County Judge of his county, for such

amount of the public school fund as his district may be entitled to receive, according to the number of children between the ages prescribed, within his district, and the said County Judge, having duly informed himself that the same is correct, shall draw upon the County Treasurer an order, under his hand and seal of the Police Court for the amount so due, and applied for.

SEC. 7. No county shall be entitled to receive its portion of the school fund, until after a return of its scholastic population.

SEC. 8. Nothing in this Act shall prevent the Trustees of any school district, after being instructed by a majority of the patrons of schools in such district, from employing the Teacher of a primary department in any college, or academy, and converting such primary department into a common school for such district.

SEC. 9. It shall be the duty of the Assessor and Collector of each county in the State, during each and every year hereafter, to make out a list of all the free white population in his county, between the ages of six and eighteen years, and transmit the same, under his official signature, to the County Clerk of the county, and a certified copy to the Treasurer of the State, on or before the first day of July in each and every year.

SEC. 10. It shall be the duty of the Clerk of the Police Court to file and preserve in his office the list aforesaid, furnished by the Assessor and Collector. It shall be the duty of the Treasurer of the State to ascertain from the abstracts transmitted to him by the Assessor and Collector, the aggregate population between the ages of six and eighteen years. And the public school fund shall be apportioned among the different counties in the State, according to the number of scholastic population in each county, subject to the order of the Police Courts, and payable to the respective County Treasurers, upon the order of the Police Court, under the hand of the County Judge and seal of the Court; or such amount to be placed to the credit of the Assessor and Collector of taxes of such county, upon his payment into the Treasury of his county, the amount so appropriated to such county, and filing the receipt of the County Treasurer, acknowledged by the said Treasurer before the Clerk of the Police Court, and by the said Clerk duly certified under his hand, and the seal of his Court, with the Treasurer of the State.

SEC. 11. The Assessor and Collector of each county, for the year 1867, and all succeeding years, shall receive for his compensation for discharging the duties imposed upon him by this Act, twelve cents per child for two hundred children or less; eight cents per child for all less than three hundred and more than two hundred; six cents per child for all less than four hundred and more than three hundred; five cents per child for all less than five hundred and more than four hundred; four cents per child for all less than a thousand and more than five hundred; three cents per child for two thousand and more than one thousand; two cents for all over two thousand; and should the Assessor and Collector refuse or fail to take and report the census of the children as required by this Act, he shall forfeit the whole of the compensation allowed, and be fined not less than twenty-five nor more than one hundred dollars, at the discretion of the Police Court; and in case of failure, from any cause whatever, of the Assessor and Collector, in making a report of the census of his respective county, to the Police Clerk, on or before the first day of July in each year, the Police Court shall be authorized to appoint some suitable (person to) perform said labor, who shall be entitled to the same compensation as allowed to Assessors and Collectors under this Act; *provided* he makes his returns by the first day of September following. Assessors and Collectors, or other persons appointed to take the census of scholastic population, shall not be entitled to compensation for their services, unless their returns are made within the time prescribed by this Act.

SEC. 12. The Treasurer of the State shall be ex-officio, Treasurer of the public school fund. It shall be his duty after the first day of the fiscal month, in each and every year, to record the abstracts of children of lawful age, in different counties, apportion the money as herein contemplated, distributing to the several counties the amount to which each is entitled, according to its scholastic population. And it shall be the duty of the Treasurer to keep a correct account of all the moneys and matters appertaining to the school fund, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, and distribution of moneys. That the fiscal scholas-

tic year shall commence and end upon the fiscal year of the State Treasury; that the Police Court of each county, after ascertaining the scholastic population, shall make a return of the same to the State Treasurer, who, upon the order of the Police Court, under the seal of their offices, shall pay over to said Police Courts, or their order, their distributive shares of the interest of the school fund.

SEC. 13. In every case where a school claiming the benefit of this Act is attended by scholars who reside in a county other than that in which the school is taught, the Trustees of such school may report to the Police Courts of the several counties where the scholars reside, and shall be entitled to a distributive share of the county school fund in the same manner as if the school were taught in the county of the residence of such scholars.

SEC. 14. There shall be appointed, by the Police Court of each county, a board of school examiners, consisting of five persons, three of whom shall constitute a quorum, authorized to act, who shall, upon application, examine all persons proposing to teach public schools within the limits thereof; and upon finding, after examination, such applicant properly qualified to discharge the duties of a teacher, shall grant him or her a certificate, stating the branches he or she is qualified to teach; and no teacher shall be employed, or permitted to teach, in any school whatever, in this State, until such teacher has obtained a certificate of qualification from said school examiners; and it is hereby made the duty of the school examiners of each county to exercise a supervision over the schools of their respective counties, and to require that all schools be conducted in accordance with the provisions of this Act.

SEC. 15. No school shall be entitled to the benefits of this Act unless the English language is principally taught therein.

SEC. 16. The Treasurer of the State shall furnish forms for reports of the several Police Courts and County Treasurer, which forms shall be followed in making their several reports; and the said Treasurer shall cause a sufficient number of said forms, together with this law, to be printed, as will furnish ten copies for each Police Court in the State.

SEC. 17. The County Treasurer of each county shall give bond,

with two or more securities, payable to the county, in twice the amount of the school fund to which the county shall be entitled, so soon as the County Judge shall be notified by the Treasurer of the State, of the amount to which his county is entitled, which bond shall be conditioned, that he will, well and faithfully, keep an account of the money to him committed, as a school fund for his county, and pay over the same, only upon the order of the County Judge of the county, under his hand and the seal of the Police Court. He shall keep an accurate account of all monies received and paid out by him, to register and number all orders by him paid, or accepted to be paid. He shall, between the first and tenth of the fiscal month of the Treasury of each year, renew his bond; and all suits upon such bonds shall be in the name of the county, and in other respects they shall be governed by the laws regulating the bonds of County Treasurer.

SEC. 18. That all laws, and parts of laws, in conflict with the provisions of this Act, be, and the same are hereby repealed, and this Act take effect and be in force from and after its passage.

Approved November 12, 1866.¹

PROVISION FOR PAUPER EDUCATION

An Act to provide for the education of the indigent white children of the several counties of the State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Police Courts—at their discretion—of the several counties of the State, may levy and collect a tax, annually, not to exceed one-half of the State tax, and upon the same subjects of taxation, (Africans or descendants of Africans and their property excepted,) to be applied solely to the education of the indigent white children of their respective counties.

SEC. 2. The said tax shall be levied and collected in the same manner and under the same rules and regulations as other county taxes.

¹*General Laws of the State of Texas, Passed by the Eleventh Legislature, 170-174;*

Gammel's Laws of Texas, Vol. 5, (1088-1092).

SEC. 3. The Police Courts shall cause a list to be made of all indigent white children of their respective counties, subject to the benefits herein contemplated, and shall cause the funds to be raised under the provisions of this Act to be applied solely to the payment of tuition of those contained in said list, under such rules and regulations as the Court may prescribe, to the end that the funds may be most economically and effectually applied.

SEC. 4. That this Act shall take effect and be in force from and after the first day of January, 1867.

Approved November 12, 1866.¹

POLITICAL PLATFORMS

REPUBLICAN STATE CONVENTION, 1867

HOUSTON, July 4 and 5

PLATFORM

.....

WHEREAS, it is proper that we should publicly declare the views and principles upon which we propose to act, and by which we intend, as a party, to be guided; therefore,

Resolved,

.....

5. That as a measure of State policy, we will endeavor to establish, at the earliest practicable time, a system of free common schools for the equal benefit of all children and youths of the scholastic age, without distinction of race or color, to be supported by equal and uniform taxation, until a school fund can be made available for this purpose.²

.....

¹General Laws of the State of Texas, Passed by the Eleventh Legislature, 195-196.

²Winkler, E. W., *Platforms of Political Parties in Texas*, 100-101. *Tri-Weekly Austin Republican*, October 26, 1867.

REPUBLICAN STATE CONVENTION, 1868

AUSTIN, August 12-14

PLATFORM

MINORITY REPORT

The following minority report was presented, but rejected, whereupon delegates to the number of thirteen withdrew. Among the bolters were E. J. Davis, E. Degener, and James P. Newcomb.¹

AUSTIN, TEXAS, August 13, 1868.

To the Hon. J. H. Bell, President of the Republican Convention:

The undersigned, one of the Committee on Resolutions, begs leave to report that while he agrees with the majority of said Committee in regard to the resolutions reported by the same, it is his opinion that the two resolutions herewith reported should have been added.

In his opinion, these additional resolutions (or something of their nature) express the sentiments of a large majority of the loyal people of this State in regard to the matters at issue, and besides are necessary to set at rest questions that are disturbing the Union party, and may possibly cause estrangement among those that should be friends.

In the vote on the adoption of these additional resolutions, Mr. Williams, of the Committee, agreed with the undersigned on the first resolution, and Messrs. Williams and Watrous on the second. The other members present (all except Mr. Hamilton being present) were adverse to the adoption of the same.

Respectfully,
E. J. DAVIS.

.....

Resolved, [2] That the pretended laws of said pretended legislature authorizing payment in so-called State warrants of interest due from railroads to the school fund, were in fraud of

¹In every case I have copied the foreword of explanation from Mr. Winkler.

the rights of the children of this State, and the pretended payments made thereunder (amounting in total to upwards of \$320,000) were null and should not be regarded in making settlement with said railroads.¹

.....

RADICAL REPUBLICAN CONVENTION, 1868

AUSTIN, August 14 and 15

The delegates who withdrew from the regular Republican convention proceeded to hold a convention of their own.

PLATFORM

Mr. Talbot, from the Committee on Platform, introduced the following resolutions:

Resolved,

.....

8. That the encouragement of manufactures and internal improvements, under some general and effective system, should, in our opinion, be made a part of the organic law. But of first importance is the establishment and support of a complete common school system, and we recommend that all money, claims, and property belonging to the school fund should be collected without delay and appropriated to this purpose and that other means, if wanting, should be supplied.

On motion of Hon. E. J. Davis, of Nueces, the resolutions were unanimously adopted.²

.....

¹*Ibid.*, 115; *Daily Austin Republican*, August 15, 1868.

²*Ibid.*, 115-116; *San Antonio Express*, August 21, 1868.

CONSERVATIVE RECONSTRUCTIONIST STATE
CONVENTION, 1868

HOUSTON, January 20

RESOLUTIONS

.....
Resolved,
.....

2. We hold that the adoption of such a line of public policy by the people of this commonwealth will not only cause an early restoration of the State, but will redound to the welfare of the people by their full enjoyment of a republican form of government as guaranteed by the Constitution, and the adoption also of such a liberal State constitution as will guide the future legislation of the State in the interests of a complete development of all its resources and wealth, a liberal policy towards immigration, public lands, railroads, and public school system, which are freely acknowledged to have done so much towards the heretofore prosperity of sister States.¹

.....
CONVENTION OF DEMOCRATIC EDITORS, 1869

BRENHAM, September 29 and 30

A small number of editors of Democratic newspapers gathered at Brenham, nominated a State ticket and adopted the platform below.

.....
PLATFORM

WHEREAS, a large number of the representatives of the Democratic press of Texas, assembled in convention, have deemed it necessary in the present crisis to obtain a reorganization of the Democratic party; therefore, be it

Resolved,
.....

[9] That a system of internal improvements for developing

¹*Ibid.*, 103; *Flake's Daily Bulletin, Galveston*, January 5, 1868.

the resources of the State should be devised, and most liberally encouraged by grants of public domain.

[10] That we are in favor of the immediate establishment of a system of public schools for the separate education of the white and colored children of the State, to be so organized as not to violate the social laws governing the races, and so diffusive in their character as to secure equal benefits to all.¹

MESSAGE OF GOVERNOR PEASE TO THE CONSTITUTIONAL
CONVENTION

Gentlemen of the Convention:

.....

It is not my province to make recommendations for your action; but I trust that it will not be considered improper for me to suggest that, in the Constitution you are about to form, it is expected—

.....

That you will make a liberal provision, by taxation upon property, for the immediate establishment of Free Public Schools for the education of every child in the State.²

E. M. PEASE

Governor of Texas

.....

¹*Ibid.*, 123; *Galveston Civilian*, October 7, 1869.

²*Message of His Excellency Elisha M. Pease, Governor of Texas, to the Constitutional Convention, June 3, 1868, 5-6; Journal of the Reconstruction Convention which met at Austin, Texas, June 1, A. D., 1868, 14.*

JOURNAL OF THE RECONSTRUCTION CONVENTION

CAPITOL, AUSTIN, TEXAS,
June 8, 1868.

Mr. Talbot offered the following resolution :

Resolved, That the Governor be requested to transmit to the Convention the report of the Superintendent of Public Schools upon the condition of his office.

Resolution laid over one day.¹

CAPITOL, AUSTIN, TEXAS,
June 11, 1868.

The President announced the receipt of the following communication from his Excellency Governor E. M. Pease, transmitting report of the Superintendent of Public Instruction, in response to a resolution introduced by Mr. Talbot on the 9th instant.

EXECUTIVE OFFICE, AUSTIN,
June 1, 1868.

HON. E. J. DAVIS,

President of the Constitutional Convention :

SIR: I have the honor to acknowledge the receipt of your letter of this date, inclosing a copy of the Resolution offered by Mr. Talbot, Chairman of the Committee on Education, asking for certain information from the Commissioner of the General Land Office; and also requesting me to transmit to the Convention the Report of the Superintendent of Public Schools, upon the condition of his office.

In reply, I beg leave to transmit herewith the Report of the Superintendent of Public Instruction, which, I presume, is the Report desired.

Very respectfully,
your obedient Servant,
E. M. PEASE.

¹Journal of the Reconstruction Convention which met at Austin, Texas, June 1, A. D. 1868, 42-43.

.....

AUSTIN, TEXAS, May 30, 1868.

.....

TO HIS EXCELLENCY E. M. PEASE,
Governor of the State of Texas:

In accordance with your instructions I have the honor to submit the following report, embracing a summary of what has been done hitherto for the maintenance of public education in Texas; together with such suggestions as may be of use in founding a system of permanent public schools.

While Texas remained as a frontier province of Mexico, with a small white population in scattered settlements, open on every side to the inroads of the wild tribes of the Plains, no provision could be made for public instruction.

In 1836, in the organic act which broke the federal relation with Mexico, and declared Texas an independent republic, it is made "the duty of Congress, as soon as circumstances shall permit, to provide by law a general system of education." Accordingly, three years later, an act was passed granting to each county three leagues of land for school purposes. In the following year a board of school commissioners for each county, consisting of the chief justice and two associate justices, were appointed, with power to locate and survey these lands; while an additional league was granted to each county, which the board were empowered to sell at their discretion, and apply the proceeds, one-half for the use and benefit of an academic school for each county, and the remainder to be distributed equally among the various primary schools.

It was subsequently provided that these lands should not be sold or disposed of save by lease, and that for a limited term of years. As there was no possibility of leasing lands, the provision simply amounted to a prohibition of their sale. In view of the vast amounts of land that were then being thrown upon the market at a nominal price, the restriction was a wise one, and prevented the waste of this liberal grant.

At that time the Congress of the Republic could do nothing more for the cause of popular education than to lay the foundation that aftertimes might develop into a permanent school fund such as has not heretofore fallen to any community.

At the close of the year 1845 occurred the annexation of Texas. The convention that then framed the State constitution found the endowment in this condition, and by article ten confirmed the restriction on sales in the act of 1839, and extended the benefits of the grant to all the other counties established subsequently to the passage of that act.

By this legislation a grand total of 520 leagues, or 2,302,560 acres was set apart to the one hundred and thirty organized counties in the State, as the basis of a perpetual school fund. About five-sixths of this amount has been located and surveyed.

The Legislature was also enjoined "to make suitable provision for the support of schools;" "to establish free schools throughout the State, furnish means for their support by taxation on property," and "to set apart not less than one-tenth of the revenue of the State, derivable from taxation, as a perpetual fund, which shall be appropriated to the support of free public schools, and entitled the General Common School Fund."

Laws from time to time were passed in accordance with this article of the organic law, and the fund thus accruing amounted in 1855 to \$128,668.

In January, 1854, a great forward step was taken. The sum of two millions of dollars in United States bonds (being a portion of the ten millions indemnity paid by the Federal Government to Texas, in settlement of boundary claims), was set apart as a special school fund; the interest arising therefrom to be applied toward the payment of teachers' salaries; while the income from the general school fund, derivable from the one-tenth taxation, was to be devoted to the payment of the school rates of indigent pupils. The chief justices and county commissioners were required to form their respective counties into school districts of convenient size, and to order an annual election in each district of a board of trustees who were charged with the school interest of their districts. The assessor and collector of each county was enjoined to take a yearly census of all persons of schoolable age, which census became the basis of the money distribution. The State Treasurer was made ex-officio superintendent of common schools.

This law, copied from the successful school experience of older

States, was, in its general scope, progressive and satisfactory. It might well have been made the basis of an efficient public school system, carrying instruction by force of law into every village and settlement of the State.

But it was soon found that legislation had outrun public opinion. Many of the officers named in the law were remiss in the performance of duty; but partial returns were received from the counties; not one-fourth of the school districts complied with the conditions upon which the distribution of the fund depended, so that the greater portion of the moneys distributed through the years 1854-5 remained in the hands of the county officers. There was no one charged with supervision; no officer set apart to lend force and impulse to the machinery of the law. The Treasurer, absorbed in the more legitimate duties of his office, could give to education but incidental and casual attention; above all, the spirit of slave society, always and essentially aristocratic, was adverse to the education of the people.

At the end of two years the common school law of 1854 was repealed or materially changed, the district system abolished, and the board of trustees dispensed with; it being provided in their place that "all schools, the teachers of which shall make a tabular return of attendance to the county courts, shall be public schools."

By another section of the act of 1856, authority was given to loan the special school fund to railroad companies under certain conditions; the companies giving first mortgage bonds payable in ten years at six per cent in specie, with a further annual payment of two per cent as a sinking fund.

The general school fund received from one-tenth taxes and the special school fund of \$2,000,000 were blended and made one, and the income from both assigned to the use of the scholastic population, as follows: First, in payment of the tuition of indigent children, especially orphans, and the children of widows; the balance to the paying patrons of the schools pro rata.

This plan of loaning the school moneys was judicious, and under wise restrictions would have been a safe investment. But instead of confining the loan to a few prominent trunk-lines until completion, charters were indiscriminately granted, and

State aid unwisely extended to companies without responsibility or capital. The fund thus scattered served to begin many roads, and to finish none. The companies, without income or credit, and loaded with debt, began even before the war to fail to comply with their obligations to the school fund; and the rebellion completed the suspension of payments, or authorized them to be made in worthless paper.

This act was amended, in some of its details, in 1858, and in accordance with its provisions the income of the fund was annually distributed to the counties until the civil war engulfed all.

The school resources were greatly strengthened this year (1858) by the important law of February 11, which added to the principal of the educational fund the proceeds of all sales of public lands. This law was repealed during the war. It should be re-enacted, and made irrepealable.

I have not been able to find any official statement or record of the yearly progress of education in Texas under these various laws; nor of the number of teachers and of schools. There seems to have been but little inspection, discrimination or progress. The Treasurer, in his reports, complains of the chronic remissness of the counties in forwarding data: in the year 1861, for instance, out of a total of one hundred and twenty-four organized counties, but "twelve of the county courts made their reports as required by law." While the State was distributing upward of \$100,000 annually for the support of public education, no summary of facts and school statistics were published or preserved. Such fragmentary data as were obtainable are here subjoined.

The Treasurer reports a disbursement for schools during the years 1854-5 of \$27,137. For the six following years the amounts paid and the number of school children were as follows:

	Scholastic census	Amount	Per capita
In 1856.....	72,826	\$101,588	\$1.38
In 1857.....	87,000	106,000	1.21
In 1858.....	102,772	105,855	1.03
In 1859.....	101,031	113,154	1.12½
In 1860.....	104,447	104,447	1.00
In 1861.....	105,200	65,224	0.62

Since 1861 no disbursements for schools have been made from the treasury.

In the first year of the rebellion the summary of the school fund was as follows:

Specie	\$ 76,389.90
United States bonds	782,000.00
Interest coupons	17,675.00
Railroad bonds	1,635,500.00
Interest due	72,450.00
State warrants	8,518.24
	<hr/>
Total	\$2,592,533.14

In the destruction consequent upon the war, all of these funds that could be cashed, or made available, were sunk. Before the fifth of August, 1865, the total thus expended amounted to \$1,285,327; for which, as the school fund had been declared permanent and inalienable, the State is in equity liable.

The railroad bonds alone were left. These roads have all forfeited their charters by non-payment of interest, and are almost hopelessly in arrears. With perhaps a single exception, they are regarded as insolvent. Omitting the arrears of the sinking fund, their condition is as follows:

Unpaid principal	\$1,753,317.00
Interest due to March 1, 1868	450,140.00
	<hr/>
Total	\$2,203,457.00

The total now due may be summed up thus:

Due by Railroads	\$2,203,457.00
Due by the State	1,285,327.05
Specie in treasury	59,779.31
Currency	855.22
	<hr/>
Total	\$3,549,418.58

So nearly has this great endowment become extinct, that it is very doubtful whether, in its present condition, an annual income of thirty thousand dollars can be realized from it for the maintenance of schools.

The Convention of 1866 amended in some important respects

article ten of the old constitution on education. It provided for a Board of Education and a Superintendent of Schools—the latter an office essentially necessary to the successful operation of a common school system. In addition to the school lands granted to the counties, it set aside the reserved sections of railroad lands, together with one-half of the proceeds arising from the sale of all public lands, as a basis for a perpetual school fund; and it wisely placed the county lands under the control of the Legislature, which was authorized to provide for their sale. But a clause of section six, giving to each county the power to negative the sale, rendered the provision valueless. The Legislature should have exclusive control of the school lands.

The railroad lands thus granted and yet unsold, amounting to 2,548,070 acres, added to the former grant, makes a total land endowment of 4,850,630 acres. If these lands are placed in the market gradually, in accordance with the annual demand of immigration and of a growing population, and sold on long credits with interest, they would, on the return of prosperous times, soon bring an average price of two dollars per acre. Before many years a fund could thus accrue of over nine millions of dollars. To these land endowments should be added, and made inalienable by the organic law, the remaining public domain.

The public lands of Texas, which a few years since amounted to 175,000,000 of acres, exceeding in size the combined area of all the States on the seaboard from Maine to Maryland; and which, if properly husbanded, would have sufficed for all demands of State revenue, of Education, and of Public Works, for many a year to come, have been so ingeniously lavished, that little now is left save Young's Territory, the sterile wastes of the Staked Plain, and the mountain ranges of El Paso.

With the exception of that portion ceded to the Federal Government, the State has realized comparatively nothing from its immense possessions; and but a few years more of special and speculative legislation is needed to dissipate, without remedy, the last fragment of the public lands. The prodigal past cannot be redeemed, but in this moment of fundamental change, we will, if we are wise, provide for the future.

The unsold lands of our State now offer the means of strength-

ening the wasted and ruined school fund to the height of every future demand. If neglected now, never again will the highest interests of the commonwealth find at our hands so propitious an occasion. The fund thus accumulated, while set apart as an inviolable educational resource for all coming years, could be invested (under such careful conditions as would give safety, strength and permanency to the plan) in the bonds of a system of main trunk railroad penetrating every section with vital lines of travel and of trade.

The provision of the old constitution, by which one-tenth of the annual revenue derived from taxation was added to the principal of the common school fund, is abolished by the constitution of 1866. It is recommended that at least double the former proportion be now set apart—not, however, to augment the principal of the fund, but to serve as an immediate means of income, and to be annually expended for the support of schools.

The State revenue may be estimated for the next five years at about \$500,000 per annum, one-fifth of which would yield for public education \$100,000. This amount, combined with whatever gleanings of income may be realized from the old fund, would suffice to set on foot a system of primary schools suited to the peculiarities of our country and population, and placing instruction within the reach of every child of whatever color, condition or race.

The sum asked for is not large, either as compared with the ability of Texas, or with the expenditure of other American States. Fifty-two per cent of the ordinary taxation of Ohio is yearly expended in support of education. The State of Vermont, rocky and poor, with a stationary population of 315,000, and with a smaller aggregate of fertile soil than many a Texas county possesses, paid out in 1866 for common schools \$421,441; while all other expenditures for carrying on the civil government were less than \$193,000. Iowa, settled and admitted into the Union later than Texas, with a population in 1867 of 900,000 and with not a tithe of the natural wealth and resources of our commonwealth, expended last year upwards of two millions of dollars for public schools!

One-twentieth of that sum is not a large yearly appropriation

for us, with a population of 800,000, of whom one-fourth are between the ages of five and eighteen.

In view of the fact that the Convention is about to assemble, to frame or revise the fundamental law of the State, I would respectfully suggest the desirableness of securing, in the educational clause of the new constitution, the following features of a school system :

1. A common school fund, consisting of whatever values may be realized from the wreck of the former fund; the proceeds of fines, forfeitures, estrays, and of the estates of deceased persons to which the State may become entitled by law; the county school lands; the reserved sections of railroad lands; the public domain not otherwise appropriated. The principal of the fund not to be diverted or diminished, and the income to be devoted to the support of common schools by the payment of the salaries of teachers.

2. One-fifth of the aggregate annual income of the State to be yearly expended as above.

3. The Legislature to be authorized to provide, by the levying of a tax, for the erection of school buildings, etc.

4. The supervision of public instruction to be vested in a Board of Education, and a State Superintendent of Schools, whose powers and duties shall be prescribed by law.

5. The Legislature to provide by law, at the first session, for the division of the State into districts of convenient size, and for the inception of a general and uniform system of common schools, to continue at least four months in every year, equally open to all children between the ages of five and eighteen, wherein tuition shall be without charge, and every child of requisite age required to attend, unless educated by other means.

Thus, while the paramount law ordains that there *must* be a system of free primary schools, open to the entire youth of the State, it may properly refer to the Legislature the settlement of the details thereof; the construction of buildings, the salary of teachers, the method of instruction, the question of separate or mixed schools, the plan of supervision, and the whole apparatus of the law.

It seems to have been a cherished design of the people of

Texas to establish an institution for the instruction of youth in the higher branches of learning; and by generous grants to so endow the same as to place within the reach of rich and poor the privilege of a liberal and thorough education. The President of the Republic was ordered, in 1839, to set apart 221,400 acres for this purpose. In 1856 one hundred thousand dollars in United States bonds and one-tenth of the railroad lands were also appropriated "for the establishment and maintenance of the University of Texas," and the lands were offered for sale on a credit of twenty years. The grant was ample; the lands were choice, and large amounts were readily sold at an average price of three dollars and thirty-four cents per acre. Of this fund \$379,168 was destroyed during the civil war by the State authorities; and it is understood that considerable sums, the proceeds of the land sales, were paid in Confederate money.

The amount of the University fund now in the treasury is \$134,472 in State paper. No practical steps have yet been taken toward the location and establishment of this institution. But when once our State is dotted with common schools in full operation, for the education of the children of the people, these will naturally require to be supplemented by High, graded and Normal schools, adapted to pupils of a larger growth, and these again crowned by a University.

A State University is indeed a logical necessity and outgrowth of the free school system, the head of the grand line of forces by which we would draw the whole people up to light and knowledge.

Of the value and need of public education little has been said in this report, for little need be said. Its own unquestioned utility lifts it above the support of argument. The imperative necessity of public schools, established for all, open to all, upon equal terms, and upon principles common to all, has grown into a clear conviction, not liable to debate. The question is a closed one. With the American people, especially, the system of common schools is not an experiment. Since its early adoption upon the Atlantic shores, its growth has been continuous, and now, perfected by the experience of five generations, it is the chief glory of the Republic.

And this sense of the vital relation between free government

and universal education has been deepened a hundred fold by the grand lessons of the war. Treason found no foothold among the educated commonwealths of the North and West. The public schools of the free States were the great bulwark of the imperilled Unity and Nationality. They were everywhere living fountains of loyalty and patriotism. No insurgent State had a practical free school system, and no loyal one was without it. The line of Free Schools divided the faithful and the rebel communities as sharply as did the contending camps. From that war we have emerged with changed purposes and an altered destiny. We are not the same people that we were; we can never be the same. To us the task is set to place our commonwealth in line with the nineteenth century, and to re-adjust the course of the ship of State for a new historic voyage. A civilization vitalized and energized by free schools is our chief need, and the education of youth our primary duty. Let the community in its organized capacity provide the bread of knowledge for all its children, and leaven with intelligence the whole mass of society. As the limits of citizenship widen, let us equally enlarge the capacity of the citizen.

There is nothing we ought not to do, there is no effort we ought not to make; there is no sacrifice, whether of money or of prejudice, we ought not to yield, rather than allow a generation into whose hands the ballot and the government is gravitating, to remain unfitted for their duties and destiny.

That so many of our people are grossly, dangerously ignorant, has long been a reproach and a moral stigma upon us; it is now something more—a question of self-preservation. In a country where all are rulers, all must be educated, or the lower level drags down all above.

Universal suffrage necessitates universal education.

Very respectfully,

E. M. WHEELOCK,
Superintendent of Public Instruction.

Mr. Talbot offered the following resolution:

Resolved, That the reading of the report of the Superintendent of Education be dispensed with. That the same be referred to the Committee on Education, and that the Committee on Print-

ing be directed to contract for the printing of 1000 copies of the same for the use of the body.

Mr. Talbot moved that the rules be suspended to take up the resolution.

Carried.

Mr. Armstrong moved to amend the resolution by substituting "500" in the place of "1000."

Carried.

The resolution as amended passed to second reading and was ordered to be engrossed.

Mr. Talbot moved that the rules be suspended for the further consideration of the resolution.

Rules were suspended; resolution read third time and passed.¹

.....

CAPITAL, AUSTIN, TEXAS,

June 27, 1868.

Mr. Lindsay introduced the following declaration:

Be it declared, by the People of Texas in Convention assembled, That one-fourth of the annual tax assessed and collected, as a revenue, by the State, shall be sacredly dedicated to the education of the children living and resident in the State, without regard to race, color and previous condition. And if the said one-fourth of the revenue so assessed and collected, should exceed the sum necessary for the annual accruing wants of the education of the children, the regularly accruing surplus shall be funded and invested in such stock and securities, as may be prescribed by law, the interest of which alone shall be used and applied for educational purposes. But, in no event, shall the money arising from such revenue and funded interest be diverted by the Legislature from the purposes of education.

Be It Resolved, That the above declaration be engrafted upon the Constitution.

On motion the declaration was referred to the Committee on Education.²

¹*Ibid.*, 64-73.

²*Ibid.*, 158.

CAPITAL, AUSTIN, TEXAS,
July 23, 1868.

.....
To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The undersigned five members of the Committee on Education, beg leave to submit the following statement of our views in regard to the indebtedness of the railroads of the State to the Special School Fund:

We find that by the legislation of 1839 and 1845, 2,302,560 acres of land were set apart to the one hundred and thirty organized counties of the State, as the basis of a perpetual School Fund. About five-sixths of this amount has been located and surveyed.

The Convention of 1866, in addition to the land grant to the counties, set apart for educational purposes the reserved sections of railroad lands, amounting to 2,548,070 acres; making a total land endowment of 4,850,630 acres.

Your committee is of opinion that many years must elapse before any adequate amount will be realized from the sale of these lands.

Any school system we may adopt will have to depend mainly for support upon other sources of income, until the stable reconstruction of laws and society in Texas shall have produced their good fruits in a more general prosperity and the consequent rise in value of real estate.

In 1845, five per cent. United States specie bonds, to the amount of two millions of dollars, were set apart as a special school fund, to be applied towards the payment of teachers' salaries.

To the history of this fund we invite your special attention.

In 1856, authority was given to loan this fund to railroad companies under certain conditions; the companies giving first mortgage bonds payable in ten years, at six per cent. specie, interest, with a further annual payment of two per cent. as a sinking fund. This act was amended in 1858, but these conditions were unchanged.

Under this law, the Houston and Central Railroad, borrowed

in 1858-9, \$450,000. The interest on which was paid to March 1st, 1860.

From this date to January 20th, 1864, no interest was paid. In the month of January, March, April, July and August, 1864, there were made so-called payments of interest in State warrants, amounting to \$105,800.00.

The next payment occurred April 23d, 1866, in specie, to the amount of \$10,830.00.

During 1867, five payments were made in specie, the aggregate amounting to \$27,460.

In the opinion of your committee the so-called payment of interest, in State warrants, during the year 1864, amounting to \$105,800, is not an equitable payment and should not be credited as such. This sum deducted, the indebtedness of the Houston and Central road to the School Fund is as follows:

Interest due to March 1st, 1868.....	\$193,284.59
Principal due	432,090.00
	<hr/>
Total.....	\$625,374.59

The indebtedness of the Washington County Railroad is as follows:

Borrowed of the School Fund June 6th, 1859.....	\$ 66,000.00
Paid to sinking fund June 6, 1860.....	1,320.00
	<hr/>
Total principal due	\$ 64,680.00
Interest due to March 1st, 1868, after deducting all specie payments	31,698.19
	<hr/>

Total indebtedness to March 1st, 1868.....\$ 96,378.19

There were so-called payments of interest and principal, made in State warrants during the years 1864, and 1865, to the amount of.....\$ 47,090.20

The Buffalo Bayou, Brazos and Colorado Railroad, borrowed from the School Fund at various times, from March 1st, 1858, to December 17th, 1859 \$420,000.00
Paid to sinking fund..... 12,000.00
Total principal due..... 408,000.00

Interest due and unpaid to March 1st, 1868.....	210,174.55
<hr/>	
Total indebtedness to March 1st, 1868.....	\$618,174.55
There were so-called payments of interest on this account during 1864, made in State warrants amounting to	98,019.25
The Houston Tap and Brazoria Railroad company borrowed in 1859 and 1860, in coin.....	300,000.00
Of which there is now due.....	295,800.00
Interest due to March 1, 1868.....	142,845.71
<hr/>	
Total indebtedness.....	\$438,645.71
So-called payments were made in State warrants during the year 1864, to the amount of.....	\$ 69,483.33
The Southern Pacific Railroad Company borrowed of the School Fund in 1862, in specie.....	\$150,000.00
None of which has been paid.....	
Interest due to March 1, 1868.....	52,625.25
<hr/>	
Total indebtedness.	\$202,625.25
Texas and New Orleans Railroad borrowed of School fund, in coin.....	\$430,500.00
Interest due March 1, 1868.....	\$164,666.25
<hr/>	
Total indebtedness.....	\$595,166.25

RECAPITULATION OF DEBT

Houston and Texas Central.....	\$625,374.59
Washington County	96,378.19
Buffalo Bayou, Brazos and Colorado.....	618,174.55
Houston Tap and Brazoria.....	438,645.71
Southern Pacific	202,625.25
Texas and New Orleans.....	595,166.25
<hr/>	
	\$2,576,354.54

Recapitulation of the amount of State warrants issued by the rebel State government during the war, and paid into the State

Treasury as a specie payment on the School Fund debt.	
Houston and Texas Central.....	\$105,800.00
Washington County	47,090.20
Buffalo, B. B. and Colorado.....	98,019.25
Houston Tap and Brazoria.....	69,483.33
	\$320,392.78

Your committee is of opinion that none of these so-called payments made by railroads in State warrants, during the late war, should be allowed by the loyal State government.

The policy of the so-called government of the State during the war was to maintain the value of their paper money, or warrants issued for the carrying out of purposes hostile to the United States, and having this purpose in view, the pretended law was passed under which these payments were made.

The foregoing being considered, and your committee being desirous to recommend such a declaration as will secure the school fund of the State in its just claims against these roads, as well as to give the companies a fair opportunity to relieve themselves of these claims without hasty sacrifice of property, I have been instructed to report the following declaration, and to ask that it be incorporated into the Constitution.

DECLARATION

Providing for the sale of such railroads of this State
as may be indebted to the school fund.

SECTION 1. *Be it declared by the people of Texas in Convention assembled,* That the railroads within this State which are indebted to the school fund, to-wit: The Buffalo Bayou, Brazos and Colorado railroad; the Washington County railroad; the Houston and Texas Central railroad; the Houston Tap and Brazoria railroad; the Southern Pacific railroad, and the Texas and New Orleans railroad, shall be sold by the Governor of the State, either at public auction or private sale, as he may order, to any company or individual that will, in the particular case, assume the entire debt that may be due from the railroad to the said school fund; such sale to be under the following terms and conditions:

The company or individual purchasing any of the railroads sold under this provision, to deposit in the treasury of the State, at the time of such sale, the one-fourth part of such indebtedness, which said fourth part may be used, under the supervision of the Governor, in putting the railroad sold in good running order, or in extending the same.

That the company or individual purchasing any of said railroads under the provisions thereof, shall have a term of twenty years within which to complete payment of the indebtedness to the school fund, the payment to be made in equal semi-annual installments, with interest at six per cent per annum, payable also semi-annually. That should any company or individual, who may purchase under the provisions hereof, fail to make any of the semi-annual payments, either of the amount of indebtedness to said school fund, or of interest due, then the whole amount of such indebtedness and interest shall become due, and the railroad in possession of such company or individual shall be again sold by the Governor, under the terms and conditions of this declaration.

Provided, That, in making the first sale of any of the said railroads, as hereinbefore provided, the Governor shall give a preference to the company or individual at present owning the same.

Provided further, That should the Governor not be able to sell any of said railroads, under the terms and conditions of this declaration, then he may sell the same at public auction unconditionally, for such sums as may be offered for the same.

Provided further, That the indebtedness of said railroads, hereinbefore mentioned, is intended to include the total amount of principal and interest due from said railroads without regard for any pretended payment made during the late rebellion, when such payments were made in any other currency than gold and silver.

J. G. LIEB,
JACOB KUECHLER,
JAMES P. BUTLER.

JOSEPH W. TALBOT, Chairman.
RALPH LONG,
G. J. RUBY,

On motion the Convention adjourned until tomorrow morning at nine o'clock.¹

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CAPITOL, AUSTIN, TEXAS,

July 31, 1868.

.....

Mr. Talbot, from the Committee on Education made the following report. Reading was dispensed with, and it was ordered to be printed.

COMMITTEE ROOM,
Austin, July 31, 1868.

HON E. J. DAVIS,

President of the Convention :

SIR: Your Committee on Education, having had under consideration that part of the Constitution, have instructed me to report the accompanying article on that subject. The necessity that exists in all free States for the education of all the children of the State, has come to be so universally acknowledged, that no argument appears necessary to justify the committee in having made so liberal provision for the support and maintenance of public schools, and in giving the control of the whole subject to an independent board. The article is respectfully submitted to the consideration of the Convention.

JOSEPH W. TALBOT,
Chairman.

PROVISIONS RESPECTING EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provision for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the scholastic inhabitants of the State between the ages of six and eighteen

¹*Ibid.*, 482-487.

years, without distinction on account of race, color or previous condition.

SEC. 2. The public free schools and other educational institutions of the State shall be under the management of a Board of Education, consisting of a Superintendent of Public Instruction, the Controller, and two members from each Congressional District. The Governor of the State shall be ex-officio a member of the Board, but shall have no vote in its proceedings.

SEC. 3. The Superintendent of Public Instruction shall be President of the Board of Education, and have the casting vote in case of a tie. He shall have the supervision of the public free schools of the State, and perform such other duties as may be imposed upon him by the Board of Education and law of the State. The Governor of the State, shall nominate, and by and with the advice and consent of two-thirds of the Senate shall appoint, the Superintendent of Public Instruction, who shall hold his office for a term of eight years, and shall receive an annual salary of not less than three thousand dollars, which shall not be diminished during his term of service. He shall reside at the capital of the State during his continuance in office, and a suitable office room shall be assigned him by the officer in charge of the State buildings.

SEC. 4. The members of the board shall hold office for the term of four years, and until their successors shall be elected and qualified. After the first election under the Constitution, the board shall be divided into two equal classes, so that each class, shall consist of one member from each Congressional district. The seats of the first class shall be vacated at the expiration of two years from the day of election, so that one-half may be chosen biennially.

SEC. 5. The members of the Board of Education, except the Superintendent and Controller, shall be elected by the qualified electors of the Congressional district in which they are chosen, at the same time and in the same manner as the members of Congress.

SEC. 6. The Board of Education shall exercise full legislative powers in reference to the public free schools of the State, and its acts, when approved by the Governor, or when re-enacted by

two-thirds of the board in case of his disapproval, shall have the force and effect of law, unless repealed by a two-thirds vote of the Legislature of the State.

SEC. 7. The Board of Education shall, at its first session, establish a uniform system of public free schools throughout the State, and shall so provide that the course of study and the manner of teaching shall be the same in all the public schools throughout the State, and that no one shall be received as an instructor in any of such public schools who has not received a certificate of competency from such boards of examination as the Board of Education shall designate; provided, that no one shall be held competent as such instructor who can not take the oath prescribed by law as a qualification for registration as electors.

SEC. 8. The Board of Education, at its first session, shall pass such laws as will require the attendance on the public free schools of the State of all the scholastic population of the State for the period of at least four months in each and every year, and shall have authority to pass, from time to time, all such laws as may be found necessary or proper to enforce said attendance; provided, that such of the scholastic inhabitants as may be shown to have received regular instruction for said period of time in each and every year, from any teacher having the certificate of competency required by the seventh section of this article for the teachers of the public free schools, shall be exempt from the operation of the laws contemplated by this section; and provided further, that all teachers receiving said certificate of competency shall be required to make returns to the officer or authority designated by the Board of Education, of the instruction given by them, in the same manner and in the same form as that which may be prescribed for the returns that are to be made by each instructor, or the principal instructor, in each of the public free schools; and provided further, that when any scholar shall have completely mastered all the branches of study taught in the public free schools, he shall be entitled to receive a certificate which shall exempt him from the further forced attendance upon the public free schools.

SEC. 9. As a basis for the endowment and support of said

system of public free schools, all the funds, lands, and other property, heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools shall constitute the public School Fund; and said fund, and the income derived thereon, shall be a perpetual fund exclusively for the education of all the scholastic inhabitants of this State, and no law shall ever be made appropriating said fund for any other use or purpose whatever. And until such time as the board of education shall provide for the establishment of such system of public free schools in the State, the fund thus created, and the income derived therefrom; shall remain as a charge against the State, and be placed to the credit of the public free School Fund.

· SEC. 10. All the alternate sections of land, reserved by the State out of grants heretofore made or that may hereafter be made to railroad companies or other corporations, of any other nature whatever, for internal improvements, or for the development of the resources of the State, shall be set apart as a part of the perpetual School Fund of the State; Provided, that if, at any time hereafter any portion of the public domain of the State shall be sold, and by virtue of said sale the jurisdiction over said land shall be vested in the United States government,—in such event, all the proceeds derived from such sale shall become a part of the perpetual fund of the public free schools of the State, and the Legislature shall hereafter appropriate all the proceeds resulting from all sales of public lands to the perpetual public free School Fund.

SEC. 11. The Legislature shall provide, from time to time, for the sale of land belonging to the perpetual public free School Fund to actual settlers exclusively, and not to exceed 640 acres to any one head of family, upon such time and terms as it may deem expedient; Provided, that the Legislature shall have no power to grant relief to purchasers by granting further time for payment, but shall, in all cases, provide for the forfeiture of the land to the State for the benefit of the perpetual free School Fund, and that all interest accruing from such sales shall be a part of the income belonging to the public free School Fund, and subject to appropriation annually for educational purposes.

SEC. 12. The Legislature shall, from time to time, cause the principal sum of the public free School Fund now on hand, and arising from the sales of land, or from any other sources, to be invested in the bonds of the United States of America, or the bonds of the State of Texas, or such bonds as the State may guarantee; and the Legislature shall have no power to appropriate, loan, or invest in any other manner any part of the principal sum of the perpetual public free School Fund, for any purpose whatever; and it shall be the duty of the Legislature to appropriate annually, the income which may be derived from said fund, for educational purposes, under such system as the Board of Education may adopt; And, provided, That the first appropriation of money made by any Legislature hereafter, out of the general funds of the State, shall be such as will discharge the amount of principal or interest due upon the bonds of the State, or such bonds as the State may have guaranteed to the perpetual public free School Fund.

SEC. 13. All public lands, which have been heretofore granted for public schools to the various counties or other political divisions in this State, shall be under the control of the Legislature, and shall be sold on the same terms and under the same regulations as are or may be prescribed for the sale of the lands belonging to the perpetual public free School Fund; and the proceeds of the sale of said lands shall be added to the perpetual public free School Fund of the State. And if any of the counties of this State have not received their quantum of lands for the purpose of education, the Legislature shall cause to be located for the benefit of the public free School Fund the same quantity of land for each of said counties as that heretofore appropriated by the Congress of the Republic of Texas and the State to other counties.

SEC. 14. The Legislature shall provide for levying a poll-tax of one dollar on all male persons of over twenty-one years of age for educational purposes, which shall be annually appropriated in like manner, and for the same purposes as the income which may be derived from the perpetual free school fund.

SEC. 15. It shall be the duty of the Legislature to set apart not less than one-fourth of the annual revenue of the State de-

rivable from taxation, not to include the poll tax provided for in Section 14, for educational purposes, to be appropriated in like manner as prescribed in Section 14, for the appropriation of the poll tax to be levied for educational purposes.

SEC. 16. The moneys and lands heretofore granted by the State for the endowment and support of one or more Universities, shall hereafter constitute a part of the public free school fund, and the lands still unsold shall be sold in the same manner as is provided in Section eleven (11) of this Article for the sale of other lands belonging to the public free school fund, and the proceeds of said sales, and the proceeds of any sales heretofore made, when collected, and the moneys now on hand, or due by the State to the University fund, shall hereafter constitute a part of the principal of the public free school fund, which shall be invested in the same manner and under the same restrictions as provided for in the investment and control of the principal of the public free school fund in Section twelve (12) of this Article; provided, the Board of Education shall, from time to time, and as soon as practicable, establish institutions of a higher degree of learning than the ordinary public free schools and the highest of them with a course of study equivalent to that of the average of American colleges.

SEC. 17. The Board of Education shall have power to provide for the levying of a tax in each school district, sufficient to procure the site or sites for, and the building of such school house or houses, with adequate furniture, fixtures and appurtenances, as the wants of the scholastic population of said district may require.

SEC. 18. The four hundred thousand acres of land that have been surveyed and set apart under the provisions of a law, approved August 30th, A. D. 1856, for the benefit of a lunatic asylum, a deaf and dumb asylum, a blind asylum, and an orphan asylum, shall constitute a fund for the support of such institutions, one-fourth part for each; and the said fund shall never be diverted to any other purpose. The said lands may be sold, and the fund invested under the same rules and regulations as provided for the lands belonging to the public free school fund. The income of said fund only shall be applied to the support of such

institutions, and until so applied shall be invested in the same manner as the principal.

SEC. 19. No rule or law affecting the general interest of education shall be made by the Board of Education without a concurrence of a majority of its members. The style of all acts of the board shall be, "Be it enacted by the Board of Education of the State of Texas."

SEC. 20. The Board of Education shall meet annually at the seat of Government, at the same time as the Legislature, but no more than one session shall be held in the same year, unless authorized by the Governor. The members shall receive the same mileage and daily pay as the members of the Legislature.

SEC. 21. Each school district shall be required to raise by local taxation on property an amount of money for educational purposes, and subject to the control of the Board of Education, equal to the pro rata share of said district in the appropriations annually to be made by the Legislature for school purposes; and any school district failing to raise said amount by said taxation shall be deprived of its pro rata share of said annual appropriations; and said share shall be distributed pro rata among the school districts complying with the requirements of this Section. The Board of Education shall prescribe the time and manner in which said district taxes may be raised; provided, that all property within said school districts, subject to State taxes, shall be made subject to said local tax.¹

CAPITOL, AUSTIN, TEXAS,

August 26, 1868.

.....

Mr. Talbot offered the following resolution :

Resolved, That the newspapers of the State which have been requested to publish copies of the constitution for distribution, be also requested to publish, along with the constitution, the project of a common school system reported by the Committee on Education, which has not yet been acted on by the Conven-

¹*Ibid.*, 609-614.

tion, but postponed till the reassembling of this body, in December next.

By consent, the resolution was withdrawn.

Mr. Stockbridge moved to reconsider the vote postponing the consideration of the report of the Committee on Education until the tenth day of December, 1868.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, Fleming, Goddin, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lippard, McWashington, Mundine, Munroe, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarbrough—47.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Buffington, W. Flanagan, Harris, Keigwin, Lindsay, Long, Rogers, Thomas, Vaughan—13.

So the motion prevailed.¹

CAPITOL, AUSTIN, TEXAS,

August 27, 1868.

.....

The President announced the business in order was the consideration of the report of the Committee on Education.

Mr. Johnson, of Calhoun, moved that the report be considered by sections.

Carried.

Mr. Buffington offered the following amendment to section one:

Strike out all after "schools" in third line.

Mr. Flanagan offered the following substitute to the report:

It shall be the duty of the first Legislature of the State of Texas to pass a law providing for a common school system for

¹*Ibid.*, 891-892.

the State, which law shall be equal and uniform, giving to the whites and blacks the same benefits arising out of any and all lands and monies that shall be set apart as a general school fund; provisions shall be made in said law to keep the races separate, to avoid prejudice that would otherwise arise.

Mr. Caldwell moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Foster, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Munroe, Newcomb, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria—36.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Cole, Flanagan, W. Flanagan, Fleming, Harris, Grigsby, Harn, Horne, Keigwin, Kirk, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Thomas, Varnell, Vaughan, Wilson of Milam, Wright, Yarborough—30.

So the substitute was laid on the table.

Mr. Smith, of Galveston, moved the previous question.

Previous question seconded.

Mr. Buffington moved a call of the House.

Call sustained.

Abstentees—Goddin, Hunt and Mackey.

Mr. Degener moved a suspension of the call.

Carried.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of section one of the report, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Downing, Fleming, Foster, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, Lippard, Long, McWashington, Munroe,

Newcomb, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—44.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Brown, Boyd, Bryant of Grayson, Buffington, Cole, Flanagan, Flanagan W., Harris, Harn, Horne, Keigwin, Kirk, Phillips of San Augustine, Posey, Scott, Thomas, Varnell, Wilson of Milam, Yarborough—22.

So Section one of the report was adopted.

Mr. Schuetze offered the following as an additional section to be inserted between first and second sections.

It shall be the duty of the Board of Education to establish separate schools for white children and for colored children, and may also provide for the establishment of separate male and female free schools, whenever a sufficient number of scholars should make it necessary or advisable.

[Mr. Phillips, of San Augustine, in the chair.]

Mr. Bryant, of Harris, moved to adjourn until this afternoon at four o'clock.

Lost.

Mr. Schuetze moved to strike out the second clause of the section.

Leave granted and clause withdrawn.

The question recurring upon the acceptance of the proposed section, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming, Grigsby, Hamilton of Travis, Johnson of Calhoun, Jordan, Kealy, Keigwin, Keuchler, Kirk, Lindsay, Lippard, McWashington, Munroe, Mundine, Phillips of San Augustine, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. President, Bryant of Harris, Curtis, Degener, Foster, Johnson of Harrison, Kendal, Long, Newcomb, Patten,

Ruby, Smith of Marion—12.

So the proposed section was accepted.

Mr. Smith, of Galveston, offered the following *proviso* to the proposed section:

Provided that no one entitled to the right of public education shall be prevented on account of sex or color from attending the public schools that are accessible, when schools suited to sex or color as provided in this section may not be established.

Mr. Hamilton, of Travis, moved to lay the proviso on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming, Grigsby, Hamilton of Travis, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—40.

Nays—Messrs. President, Bryant of Harris, Curtis, Degener, Foster, Johnson of Harrison, Jordan, Kendal, Kuechler, Lindsay, Long, McWashington, Newcomb, Patten, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Williams—20.

So the proviso was laid on the table.

Mr. Degener moved to strike out the word "shall" and insert "may" after the words "Board of Education."

Mr. W. Flanagan moved to lay the motion on the table. Upon the motion to lay the substitute upon the table, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Flanagan, Flanagan W., Fleming, Hamilton of Travis, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—38.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris,

Carter, Constant, Curtis, Degener, Downing, Foster, Johnson of Harrison, Jordan, Kendal, Kuechler, Lindsay, Long, McWashing-
ton, Newcomb, Patten, Ruby, Smith of Marion, Williams—22.

So the amendment was laid on the table.

Mr. Lindsay offered the following substitute:

The Board of Education shall have power to establish separate free schools for the white and colored children; but under no circumstances shall any children, of either color, be deprived of the benefits and advantages of the public free school system established by the State.

Mr. Flanagan moved to lay the substitute on the table.

Mr. Bryant, of Harris, moved that the Convention adjourn until four o'clock this afternoon.

Carried.¹

CAPITOL, AUSTIN, TEXAS,
August 28, 1868.

.....

The President announced that the business in order was the report of the Committee on Education.

Mr. Buffington moved to postpone the consideration of the report to 9th day of December, 1868.

Motion withdrawn.

.....

Mr. Flanagan moved the postponement of the consideration of the report on education until the second Monday in December.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Buffington, Carter, Cole, Flanagan, W. Flanagan, Glenn, Grigsby, Harris, Keigwin, Kirk, Lindsay, Lippard, Long, Phillips of San Augustine, Vaughan, Wilson of Milam—21.

Nays—Messrs. President, Armstrong of Lamar, Bellinger, Bryant of Harris, Bryant of Grayson, Burnett, Caldwell, Constant, Curtis, Degener, Downing, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun,

¹*Ibid.*, 896-899.

Jordan, Kealy, Kendal, Kuechler, MeWashington, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—44.

So the Convention refused to postpone the consideration of the report.

The question recurred upon the substitute offered by Mr. Lindsay to the proposed new section of Mr. Schuetze to the report.

Mr. Flanagan moved to lay the substitute to the proposed section upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Constant, Flanagan, W. Flanagan, Fleming, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Keigwin, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Yarborough—38.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris, Carter, Curtis, Degener, Downing, Foster, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, MeWashington, Newcomb, Patten, Ruby, Smith of Galveston, Smith of Marion, Watrous, Whitmore, Williams, Wright—27.

So the substitute was laid upon the table.

The question recurring upon the adoption of the section as amended—

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Flanagan, W. Flanagan, Fleming, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Lindsay, Mackey, MeWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Whar-

ton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—52.

Nays—Messrs. President, Bryant of Harris, Curtis, Degener, Downing, Foster, Kendal, Kuechler, Long, Newcomb, Patten, Ruby, Smith of Marion, Williams—14.

So section was adopted.

Mr. Hamilton, of Travis, asked that Mr. Carter be excused from attending the Convention after to-morrow.

Excused.

Messrs. Smith, of Galveston, and W. Flanagan, were excused from attendance after to-morrow.

Section two, on motion, was adopted.

Mr. Patten offered the following amendments:

In the fourth line strike out the words, "The Governor of the State shall nominate, and by and with the advice and consent of two-thirds of the Senate shall appoint, the Superintendent of Public Instruction," and insert, "The Superintendent of Public Instruction shall be elected by the qualified electors."

In the seventh line add the words, "or increased," after "diminished."

Mr. Caldwell moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Burnett, Caldwell, Constant, Degener, Flanagan, Fleming, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Lindsay, Mackay, Munroe, Posey, Rogers, Schuetze Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wright—36.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Bryant of Harris, Buffington, Cole, Carter, Curtis, Downing, W. Flanagan, Foster, Glenn, Goddin, Harris, Kirk, Lip-pard, Long, McWashington, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Smith of Marion, Watrous, Whitmore, Williams, Wilson of Milam—30.

So the amendment was laid on the table.

Mr. Wright moved to strike out "three thousand" in seventh line.

Laid on the table.

Mr. Buffington offered the following amendment:

Strike out "8" in sixth line and insert "2"; strike out "3000" in seventh line and insert "600."

Mr. Degener moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Downing, Foster, Grigsby, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Mackay, McWashington, Munroe, Patten, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—38.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Buffington, Cole, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Harn, Keigwin, Kirk, Long, Phillips of San Augustine, Rogers, Stockbridge, Thomas, Whitmore, Wilson of Milam, Yarborough—23.

So the amendment was laid on the table.

Mr. Board offered the following substitute to the entire report:

Resolved, That in the opinion of this Convention the report of the Committee upon Education is extremely objectionable in many particulars, and although drawn up by a high minded and honorable committee, they have in many instances assumed too much power, or in other words, made the subject of the school system a higher power than the real Legislature of the whole State. It is therefore hereby resolved that the subject of public schools be handed over to and left with the Legislature, giving that body control of the whole subject of education.

The Chair decided that the substitution was not in order.

Mr. Board appealed from the decision of the Chair.

Mr. Munroe offered the following amendment to section 3:

Add at end of section 3, "He may for just cause be removed by the governor, who shall give his reason to the Senate for such

removal, and if a majority of said body confirm the same it shall be permanent.

Amendment adopted.

Mr. Davis, of Nueces, offered the following amendment:

In section 3, line 5 strike out the words "of two-thirds" on sixth line strike out "eight" and insert "four."

Amendment adopted.

Mr. Lindsay moved that the vote adopting Mr. Munroe's amendment be reconsidered.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bledsoe, Bryant of Grayson, Constant, Degener, Foster, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Lindsay, Mackey, McWashington, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Thomas, Whitmore, Wilson of Brazoria, Yarborough—28.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, W. Flanagan, Fleming, Harris, Harn, Jordan, Kéigwin, Keuchler, Mackey, Phillips of San Augustine, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Milam, Wright—28.

So the motion to reconsider was lost.

Mr. Degener moved to amend by making the word "capitol," in the eighth line "capital."

Amendment adopted.

Mr. Thomas moved to strike out, in seventh line, "three thousand" and insert "fifteen hundred."

Mr. Hamilton moved to lay the amendment on the table.

Mr. Degener moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Burnett, Caldwell, Carter, Constant, Degener, Downing, Flanagan, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison,

Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McWashington, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—45.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Cole, Curtis, W. Flanagan, Fleming, Goddin, Harris, Keigwin, Phillips of San Augustine, Wilson of Milam—16.

So the main question was ordered.

The question recurring upon the adoption of section three as amended, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Burnett, Caldwell, Carter, Constant, Downing, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackay, McWashington, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—42.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Cole, Curtis, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Keigwin, Kirk, Newcomb, Patten, Phillips of San Augustine, Whitmore, Wilson of Milam, Wright, Yarborough—24.

So section three as amended was adopted.

Mr. Buffington offered the following amendment to section five of the report:

In first line strike out "four" and insert "two." In fourth line strike out "two" and insert "one."

Mr. Caldwell moved the previous question on the adoption of section five.

Previous question seconded.

Mr. Bell moved a call of the House.

Call not sustained.

The question recurred, "Shall the main question be now put?"

Upon motion, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Burnett, Caldwell, Carter, Constant, Downing, Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McWashington, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—45.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Cole, Curtis, W. Flanagan, Fleming, Harris, Harn, Horne, Keigwin, Kirk, Mundine, Wilson of Milam—19.

So the main question was ordered.

Section four, on motion, was adopted.

Section five, on motion, was adopted.

Mr. Hamilton, of Travis, offered the following amendment:

In section six, line four, strike out the words "a two-thirds vote of."

Mr. Munroe offered the following amendment to section six:

The Board of Education shall exercise all ministerial and other necessary powers in reference to the free schools of the State, in accordance with law, and its acts when approved by the Governor, shall have the force and effect of law, unless decided otherwise by a vote of the Legislature of the State.

Mr. Bryant, of Grayson, moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bryant of Grayson, Caldwell, Constant, Degener, Downing, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Lindsay, Mackey, McWashington, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wright—37.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Burnett, Carter, Cole, Curtis, Flanagan, W. Flanagan, Fleming, Harris, Keigwin, Kendal, Kirk, Lippard, Long, Munroe, Phillips of San Augustine, Scott, Williams, Wilson of Milam, Yarborough—27.

So the substitute was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Hamilton, of Travis.

The amendment was adopted.

Mr. Flanagan moved to strike out section six.

Mr. Schuetze moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon that motion, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bryant of Grayson, Burnett, Caldwell, Constant, Degener, Downing, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, Mackey, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—37.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Carter, Curtis, Flanagan, W. Flanagan, Fleming, Harris, Horne, Keigwin, Kirk, Lippard, Long, McWashington, Mundine, Munroe, Phillips of San Augustine, Slaughter, Thomas, Whitmore, Wilson of Milam, Wright, Yarborough—28.

So the main question was ordered.

The question recurred upon the adoption of the section.

It was adopted.

Mr. Thomas moved to strike out from the proviso, commencing in section five, and the two following lines.

Mr. Caldwell moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bellinger, Board, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Degener, Downing, Foster, Grigsby, Harn, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Mackey, McWashington, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Bryant of Grayson, Burnett, Flanagan, W. Flanagan, Fleming, Harris, Horne, Keigwin, Kirk, Mundine, Posey, Thomas—17.

So the main question was ordered.

The question recurred upon the adoption of section seven.

It was adopted.

Mr. Burnett offered the following amendment to section eight:

In line second, between words "State" and "of," insert "or in private schools;" line second substitute "at" for "on."

The question recurring upon the adoption of the amendment, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bellinger, Board, Bryant of Grayson, Burnett, Caldwell, Constant, Downing, Flanagan, Fleming, Foster, Godding, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Lippard, Long, Mackey, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—43.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Boyd, Bryant of Harris, Buffington, Carter, Cole, Degener, Flanagan W., Grigsby, Harris, Horne, Kuechler, Kirk, Long—16.

So the amendment was adopted.

Mr. Bryant, of Grayson, moved to strike out section eight.

On motion the Convention adjourned until four o'clock this afternoon.¹

CAPITOL, AUSTIN, TEXAS,

August 29, 1869.

.....

The President announced that the business in order was the report of the Committee on Education, and upon the motion of Mr. Bryant, of Grayson, to strike out section eight of the report.

The Convention refused to strike out.

Mr. Thomas offered the following amendment :

Amend by striking out, after the word "year," in the sixth line, to and including the word "schools," in the seventh line.

Mr. Schuetze moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Caldwell, Carter, Constant, Foster, Hamilton of Travis, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, McWashington, Newcomb, Phillips of Wharton, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Watrous, Williams, -Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—27.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Cole, Curtis, Downing, Evans of Titus, Fayle, Flanagan, Fleming, Goddin, Harris, Harn, Keigwin, Lippard, Mundine, Phillips of San Augustine, Posey, Slaughter, Thomas, Varnell, Whitmore—27.

So the main question was not ordered.

The question then recurred upon the amendment offered by Mr. Thomas, which was adopted.

Mr. Schuetze offered the following amendment :

In line fifteen, instead of "upon the public free schools," insert "upon public or private schools."

Mr. Smith, of Marion, moved to lay the amendment on the table.

¹*Ibid.*, 910-918.

Upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of Titus, Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Kendal, Lindsay, Lippard, McWashington, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—48.

Nays—Messrs. Armstrong of Jasper, Boyd, Burnett, W. Flanagan, Goddin, Harris, Keuchler, Mundine, Posey, Schuetze, Whitmore, Wilson of Milam—12.

So the amendment was laid on the table.

Mr. Phillips, of San Augustine, offered the following amendment :

Provided, that the Board of Education shall have no authority over the education of the children of this State, unless they have a school fund sufficient to educate the children as contemplated by this and the preceding and following sections of this report.

The amendment was laid on the table.

The question recurring upon the adoption of section eight as amended—

The yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Bellinger, Bryant of Harris, Butler, Caldwell, Carter, Constant, Curtis, Degener, Downing, Foster, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Lindsay, McWashington, Newcomb, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—37.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Goddin, Har-

ris, Kendal, Kuechler, Mundine, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Scott—23.

So section eight as amended was adopted.

Mr. Talbot offered the following proviso to section nine:

Provided the university fund, as it now exists, in lands, money and credits, shall constitute a special fund for the support of one or more universities, and shall never be used for any other purpose; and until a university is established, the principal of said fund and the interest arising therefrom shall be invested in like manner as provided for the public school fund.

The amendment was adopted.

Mr. Lindsay offered the following amendment:

Section nine, between the words "appropriated" and "that," in the second line, strike out the word "or" and insert "except the four-league grant heretofore made to the several counties of the State and all funds, lands and other property."¹

CAPITOL, AUSTIN, TEXAS,

January 7, 1869.

.....
Mr. Schuetze, Chairman of the Committee on Education, reported as follows:

COMMITTEE ROOM,

Austin, January 7, 1869.

HON. E. J. DAVIS,

President of the Convention:

SIR: Your Committee on Education, to whom the original report, introduced on the 31st day of July, 1868, had been re-committed, have had the same under careful consideration, and are unanimous in declining to change any of the provisions proposed in the original report.

I am instructed to submit the same to the consideration of the Convention.

Respectfully submitted,

J. SCHUETZE,

Chairman Committee.²

¹*Ibid.*, 930-932.

²*Journal of the Reconstruction Convention which met at Austin, Texas*, December 7, A. D. 1868.

Second Session, 229.

CAPITOL, AUSTIN, TEXAS,
January 27, 1869.

.....

Austin, Texas, January 26, 1869.

HON. E. J. DAVIS,

President of the Convention :

SIR: The Special Committee of eleven, to whom was referred the labor of revising and correcting the constitution as far as engrossed,.....

.....The undersigned, a minority of committee, who presents this minority report,.....

.....

Two plans have been presented for establishing a system of common schools. The system best adapted to attain ends so desirable would be to provide a fund, and for details, leave its execution to the Legislature. The minority of the committee herewith present what they believe to be a sufficient basis for the establishment of common schools in every county and precinct in the State.

The development of the future will open up the way to guide the legislator in the faithful execution of the general plan here presented.

There was a time in the history of this State when we could boast of having provided a munificent fund to enlighten and enlarge the mind of the youth of our once growing and prosperous State. But now we can only look on with regret at the ruin which has been wrought by the untoward results of war and hasty and ill-advised legislation. The school fund has been squandered, and the youth of twelve years amidst the past eight years of distress have reached the years of discretion with but little cultivation of mind.

When we contemplate our present condition, with an empty treasury and impoverished people unable to bear the burthens of heavy taxation, we almost despair of being able to provide for the education of the rising generation. All we can do is to lay the foundation as broad as our limited means will permit. It is true that if we would perpetuate the principles of a free

constitution, the people must be educated, so that they may learn virtue, administer justice and practice morality.

A people thus educated will each be a sentinel to guard the temple of liberty. They will watch with jealous care every approach to undermine the principles of our free constitution.

.....

Respectfully submitted,

B. W. GRAY,

A. M. BRYANT, of Grayson.

A. BUFFINGTON,

THOMAS KEALY, Denton.¹

CAPITOL, AUSTIN, TEXAS,

January 29, 1869.

.....

The President announced the consideration of the provisions of the constitution was in order.

.....

Section one, article twelve, on motion, was adopted.

Section two, article twelve, on motion, was adopted.

Mr. Smith of Galveston moved to amend section three of article twelve as follows:

In third line of section three, article twelve, strike out the word "may" and insert "shall at its first session after the adoption of this constitution;" and in line four, section three, article twelve, strike out the word "may" and insert "shall."

The question recurred upon the adoption of the amendment. The Convention refused to adopt.

Section three, article twelve, on motion was adopted.

Mr. Bryant of Grayson moved to amend by inserting the word "Legislature" instead of the word "superintendent," in line one, section four, article twelve.

Amendment agreed to.

Section four, article twelve, as amended, was, on motion, adopted.

¹*Ibid.*, 384-388.

Mr. Butler moved the previous question upon the adoption of section five of article twelve.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Main question ordered.

The question recurred upon the adoption of the section.

Upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellinger, Brown, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Rogers, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. Armstrong of Jasper, Bryant of Grayson, Bufington, Cole, Fleming, Gaston, Gray, Hamilton of Travis, Harris, Harn, Keigwin, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Sorrell, Thomas—18.

So the Section was adopted.

Mr. McCormick offered the following amendment to section six, article twelve :

After the word "fund," in the seventh line, insert "for the benefit of public schools; and the Legislature shall set apart one-fourth of the annual revenue derivable from general taxation, and shall also cause to be levied and collected an annual poll tax of one dollar on all male persons in this State between the ages of twenty-one and sixty years, for the benefit of public schools."

The question recurred upon the adoption of the amendment.

It was adopted.

Mr. Flanagan offered the following amendment :

Provided, that if any portion of the public domain shall be hereafter sold to the United States government, the proceeds from such sale shall not be included for scholastic purposes.

On motion, the amendment was laid on the table.

Mr. McCormick offered the following amendment to section six of article twelve, in eighth line :

After the word "therefrom," in eighth line, insert, "and the taxes herein provided for school purposes."

Amendment agreed to.

Mr. Patten moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Bell, Bellinger, Brown, Bryant of Harris, Butler, Carter, Curtis, Downing, Fayle, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Leib, Lippard, Long, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria—36.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Grayson, Buffington, Burnett, Cole, Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Harn, Kealy, Keigwin, Kendal, Mackey, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Sorrell, Thomas, Wilson of Milam, Wright—27.

So the main question was ordered.

The question recurred upon the adoption of section six, article twelve, as amended.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Bell, Brown, Bryant of Harris, Butler, Carter, Curtis, Downing, Fayle, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Leib, Lippard, Long, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria—35.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Cole, Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Harn, Keigwin, Kendal, Mackey, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Sorrell, Thomas, Wilson of Milam, Wright—28.

So the section as amended was adopted.

Mr. McCormick moved to amend section seven of article twelve, in second line, as follows:

After "Fund," in the second line, insert, "and from the taxes for school purposes provided for in foregoing section."

The Convention agreed to the amendment.

Mr. Cole offered the following amendment to section seven of article twelve:

"Which shall be equally distributed to the several counties in this State, semi-annually, according to the scholastic population of each county."

On motion of Mr. Patten the amendment was laid on the table.

The question recurred upon the adoption of section seven, article twelve, as amended.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Bell, Brown, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Hamilton of Bastrop, Hunt, Jordan, Kuechler, Leib, Lippard, Long, Mackey, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria—35.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Cole, Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Harn, Johnson, Keigwin, Kendal, Mundine, Phillips of San Augustine, Rogers, Scott, Sorrell, Thomas, Wilson of Milam, Wright—25.

So the section was adopted.

Section eight of article twelve was, on motion adopted.

Mr. McCormick offered the following amendment to section nine of article twelve:

At the end of the section add:

"The Legislature shall annually appropriate for school purposes, and to be equally distributed among the scholastic population of the State, the interest accruing on the school fund, and the income derived from taxation for school purposes; and shall from time to time, as may be necessary, invest the principal of

the school fund in the bonds of the United States government, and in no other security.”

The Convention agreed to the amendment.

The question recurred upon the adoption¹ of the section as amended.

It was adopted.¹

CONSTITUTION OF THE STATE OF TEXAS
1869

ARTICLE IX

PUBLIC SCHOOLS

SECTION I. It shall be the duty of the Legislature of this State, to make suitable provisions for the support and maintenance of a system of Public Free Schools, for the gratuitous instruction of all the inhabitants of this State between the ages of six and eighteen years.

SECTION II. There shall be a Superintendent of Public Instruction, who, after the first term of office, shall be elected by the people; the first term of office shall be filled by appointment of the Governor, by and with the advice and consent of the Senate. The Superintendent shall hold his office for the term of four years. He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. In case of vacancy in the office of Superintendent, it shall be filled by appointment of the Governor, until the next general election.

SECTION III. The Superintendent shall have the supervision of the Public Free Schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature may lay off the State into convenient School Districts, and provide for the formation of a Board of School Directors in each District. It may give the District Boards such legislative powers, in regard to the schools, schoolhouses, and school fund of the District as may be deemed necessary and proper. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature such pro-

¹*Ibid.*, 417-421.

visions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall, at each session of the Legislature, furnish that body with a complete report of all the Free Schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either House of the Legislature, it shall be his duty to furnish all information called for, in relation to Public Schools.

SECTION IV. The Legislature shall establish a uniform system of Public Free Schools throughout the State.

SECTION V. The Legislature, at its first session, (or as soon thereafter as may be possible) shall pass such laws as will require the attendance on the Public Free Schools of the State of all the scholastic population thereof, for the period of at least four months of each and every year; provided, that when any of the scholastic inhabitants may be shown to have received regular instruction, for said period of time in each and every year, from any private teacher having a proper certificate of competency, this shall exempt them from the operation of the laws contemplated by this section.

SECTION VI. As a basis for the establishment and endowment of said Public Free Schools, all the funds, lands, and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of Public Schools, shall constitute the Public School Fund. And all sums of money that may come to this State hereafter from the sale of any portion of the public domain of the State of Texas, shall also constitute a part of the Public School Fund. And the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such Public School Fund. The Legislature shall set apart, for the benefit of Public Schools, one-fourth of the annual revenue derivable from general taxation; and shall also cause to be levied and collected, an annual poll tax of one dollar, on all male persons in this State between the ages of twenty-one and sixty years, for the benefit of Public Schools. And said fund and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied, as needed, ex-

clusively for the education of all the scholastic inhabitants of this State; and no law shall ever be made appropriating such fund for any other use or purpose whatever.

SECTION VII. The Legislature shall, if necessary, in addition to the income derived from the Public School Fund, and from the taxes for school purposes, provided for in the foregoing section, provide for the raising such amount by taxation, in the several School Districts in the State, as will be necessary to provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several Districts.

SECTION VIII. The public lands heretofore given to counties shall be under the control of the Legislature, and may be sold under such regulations as the Legislature may prescribe; and in such case the proceeds of the same shall be added to the Public School Fund.

SECTION IX. The Legislature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this Article. It is made the imperative duty of the Legislature to see to it, that all the children in the State, within scholastic age, are, without delay, provided with ample means of education. The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic population of the State, the interest accruing on the School Fund, and the income derived from taxation for school purposes: and shall, from time to time, as may be necessary, invest the principal of the School Fund in the bonds of the United States Government, and in no other security.¹

REPORT OF THE FEDERAL COMMISSIONER OF EDUCATION

WASHINGTON, D. C.,

October 27, 1870.

.....

In Texas no school legislation has, so far, succeeded, and no public officers are at work for the organization of schools, her

¹*Constitution of the State of Texas, Adopted by the Constitutional Convention Convened Under the Reconstruction Acts of Congress Passed March 2, 1867, 29-31.*

entire population being left to grow up in ignorance, save as here and there a private enterprise throws a ray of light upon the general darkness.¹

.....

MESSAGE OF THE GOVERNOR

EDMUND J. DAVIS

Davis was Governor during the "radical era" from 1869 to 1874.

EXECUTIVE OFFICE,
Austin, April 29th, 1870.

GENTLEMEN OF THE SENATE AND
HOUSE OF REPRESENTATIVES OF TEXAS:

.....

The establishment of a good system of schools that will secure education to all, will, no doubt, in process of time, operate here, as elsewhere, to the diminishing of offences. But of this I speak hereafter.....

Next in importance to the measures necessary to the establishment of law and order, you will find the question of providing for the education of the children of the State. No better civilizer has been found than a liberal system of education. Aside from the provisions of our constitution, which make it "the imperative duty" of your body to provide for the education of all children of the scholastic age, experience will hereafter prove that, from any point of view, no money discretely expended in promotion of universal public education can be considered lost in an economical point of view. It has been found as serviceable to the farmer and artisan as to the professional man.

I have already noticed its effects in abating the catalogue of crimes, but there is a special necessity for education in our country where the government depends upon the people themselves. The success of Republican institutions and universal suffrage is assured by universal education. The expenditures for this purpose must necessarily be heavy at the outset, in organizing, building school-houses, providing books, apparatus,

¹Report of the United States Commissioner of Education, 1870, 16.

etc., etc. The perpetual school fund provided in article nine of the Constitution, section six and eight is as follows:

1. All funds, lands, and other property heretofore set apart, or that may hereafter be set apart for the support of Public Schools.

2: All sums of money that may come to this State from sale of any portion of the public domain, or sales of public lands.

3. One-fourth of the annual revenue from general taxation, and an annual poll tax of one dollar on all male persons between the ages of twenty-one and sixty years.

4. The public lands heretofore given to counties to be sold under such regulations as the Legislature may prescribe.

In addition to this "perpetual fund," the Legislature is authorized in Section seven, to provide for the raising of such amount, by taxation, in the several school districts in the State, as will provide the necessary school houses, and insure the education of all. The powers thus given to the Legislature are ample. The summary of means now disposable, which may be considered as included in this "perpetual fund, is:

1. Cash, in specie, \$58,979.31; currency, \$543.19; total \$59,522.50.

2. State 5 per cent bonds, under act of November 12, 1866, \$82,168.82 (assuming that this act of the Legislature of 1866 is to be respected). In addition to this sum, the act mentioned provided for placing other similar bonds to credit of school fund, to make up such part of the \$634,000 "indemnity bonds," with the unpaid coupons or their proceeds, as might be recovered from the parties to whom they had passed from the "Military Board" during the late war. These indemnity bonds and coupons were taken from the school fund, to which they belonged, by an act of the revolutionary government of January 11, 1862, and the act of 1866, was intended to replace them, as far as recovered, by 5 per cent. State bonds. The system of support of schools is now, by the constitution, so fully provided for; that this arrangement seems unnecessary. I, therefore, suggest that in lieu thereof, the amount collected of those bonds and coupons be turned over to the school fund.

3. Principal and interest, \$2,742,198.27, due to the school

fund from railroad companies. Included in this amount is the sum of \$320,367.13 pretended to have been paid during 1864 and 1865, in State warrants, for which the 6 per cent manuscript State bonds (see Comptroller's report, table II), were issued. I assume that this \$320,367.13 is still a legal claim against the roads pretending to have paid the same. I suppose upwards of two millions of the total due by the railroads could be realized with certainty, and perhaps the whole may be eventually saved by the adoption of the proper measures.

In addition to the above, the University fund and lands may, I suppose, properly be considered as part of the Common School fund, though not directly included therein by the constitution. In regard to that part of the school fund in the possession of the railroads, it will be recollected that, by the act of the thirteenth of August, 1856, under which this fund was loaned to the roads, it was provided that the Governor should cause a sale to be made of the roads failing to pay any installment of the interest due on their bonds, or of the two per cent sinking fund. No part of the sinking fund has been paid by any road since 1860, and of interest the only payments made since that date are by the H. & T. C. R. R., \$38,280, in the years 1866 and 1867, and by the B. B. B. & C. R. R., \$6,120, in 1867. This condition of affairs would warrant a sale at once for the benefit of the School Fund of all the roads indebted to it; but it is suggested in view of the disturbed state of the country during this period, that these roads be relieved of the forfeiture legally resulting from their default, on payment of the interest now due, and of the regular payment hereafter of interest and sinking fund coming due. If this suggestion is not adopted by your body, I will proceed to sell in accordance with the above cited act.

EDMUND J. DAVIS,
Governor.¹

AN ACT TO ESTABLISH A SYSTEM OF PUBLIC FREE
SCHOOLS FOR THE STATE OF TEXAS

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That a Superintendent of Public Instruction shall be ap-

¹Message of Governor Edmund J. Davis to the Twelfth Legislature, April 28, 1870, 5-7.

pointed by the Governor, by and with the advice and consent of the Senate, to continue in office, under such appointment, until the first general election of State and county officers, and until his successor is elected and qualified. At the first general election a Superintendent of Public Instruction shall be elected. He shall hold his office for four years; he shall receive an annual salary of twenty-five hundred dollars; in case of vacancy by death or otherwise, in said office, it shall be filled by appointment of the Governor, until the succeeding general election.

SEC. 2. The Superintendent of Public Instruction shall, from time to time, as required, recommend necessary legislation to a complete system of education, adapted to the circumstances of the people of the State. He shall furnish the Legislature, at each session thereof, a report of all the free schools in the State, their condition, and the progress of education, and the working of the system, and suggest such changes as he may deem necessary. Whenever required, he shall furnish either House such information as may be desired, in relation to the public schools of the State. He shall have his office at the seat of government. He shall decide all controversies arising out of or relating to public free schools of the State. He shall recommend to boards of school directors and teachers the most approved methods of teaching and discipline, and books to be used. He shall furnish to boards of directors, teachers, tax assessors and county treasurers, all necessary forms and blanks required for the management of schools, and the receipt and disbursement of all the school funds of the State, and the taking of the census of the scholastic population of the State. He shall ascertain the amount of the school fund of the State for annual distribution, and see that the same is duly distributed to the several counties, according to the scholastic population, by the State Treasurer. He shall report annually to the Legislature the amount of the school fund, and the disposition of the same. The fiscal scholastic year shall be the same as the fiscal year of the State Treasury.

SEC. 3. That each organized county in this State shall be a school district, and the County Courts thereof shall be *ex-officio* boards of school directors for their respective counties. Said boards shall have the following powers:

1. To divide their counties into as many sub-districts as

may be necessary for public convenience.

2. They shall locate as many school-houses in each sub-district as the interest of the scholastic population may require, and the amount of the school fund belonging to the county will justify.

3. They shall levy and have collected, when necessary, an *ad valorem* tax on the taxable property of the county, not exceeding one per cent, for the purpose of building school-houses, under their supervision; each sub-district to have the benefits of the taxes paid by its own citizens, in the erection of school-houses.

4. They shall appoint a suitable number of school trustees in the county; at least one board of trustees; each board to consist of three persons, suitable and competent, to each sub-district.

5. They shall appoint three competent persons as school examiners, to examine persons who wish to teach, as to competency, sobriety and good moral character, and to give them certificates of recommendation.

6. They shall require all parents and guardians, in their respective counties, to send their children and wards to some public school, unless taught by private teachers, or in some other school or seminary of learning, at least four months in each year, under the penalty of forfeiting interest in the school fund for the time being.

7. All difficulties arising in any of the public free schools of this State shall be reported by the trustees to the proper board of directors, and said board shall have power to settle the same. In order to do this, they may remove teachers or expel students for insubordination; and when, in their opinion, the harmony and success of the school require it, they may make any separation of the students or school necessary to insure success, so as not to deprive any student or students of scholastic benefits, except for such misconduct as demands expulsion.

8. They shall make such rules, regulations and by-laws for the government of schools as may seem to them best for the interests of education in their respective counties, not inconsistent with the Constitution and laws of this State, to insure justice, equality and impartiality to all the scholastic population of their respective counties.

9. Said board of school directors shall faithfully and impartially discharge and perform all the duties required of them, by

this act. Said board shall be allowed the same fees or "per diem" pay for services, under this act, that they are allowed for similar services as a Police Court, to be paid out of the county treasury.

SEC. 4. The presiding justice of the Police Court, as soon as the scholastic census shall have been taken and the tax for building school-houses assessed, and annually thereafter, as required, shall report to the Superintendent of Public Instruction the number of children of scholastic age in the county and in each sub-district; the number of schools in operation in the county and in each sub-district; the amount of taxes assessed, and how appropriated. He shall give the Superintendent any other information, from time to time, as required, and for such services he shall be allowed reasonable compensation, to be fixed by the other members of the County Court, to be paid out of the treasury of the county.

SEC. 5. The board of school directors shall be subject to the rules and directions and supervision of the Superintendent of Public Instruction.

SEC. 6. Each board of trustees shall, under the direction and supervision of the board of school directors, aid and assist in locating and building school-houses in their sub-districts to the greatest advantage to the people interested; they shall employ teachers, and, when necessary, assistant teachers, for not less than four months in the year—none to be employed as teachers except such as have certificates of recommendation from the board of school examiners of the county; they shall have the control of the school-house or houses assigned to them by the district board; they may discharge a teacher for incompetency, immorality, neglect or misconduct in school; they may give all necessary certificates or vouchers to teachers that may be necessary for them to draw the amount due them for services rendered; they may, and it is hereby made their duty to visit, inspect and supervise the school under their charge, subject always to the supervision of the superintendent and board of the district.

SEC. 7. The board of trustees, in employing teachers, shall have discretion as to the price and terms of tuition per month, allowing twenty days to the month, to be ascertained by the day-book of the teacher, of the time each student actually attended,

the day-book to be approved by the board of trustees. On approving such claim against the school fund, the trustees shall give an order on the county treasurer in favor of the teacher for the amount due, to be paid out of the school fund in his hands, or when said treasurer may be in funds, to pay the same.

SEC. 8. Private teachers and others not employed by the trustees of the sub-district in which the student resides, shall conform to the foregoing section of this act, in order to share in the school fund of the district; such private teachers, however, shall be subject to examination, as provided in section three of this act; provided, that nothing contained in this section shall authorize the payment of any portion of the school fund to any private teacher or any other person not employed by the trustees of a school district wherein there shall be a public free school; and provided further, that no sectarian doctrines shall be taught in said private schools.

SEC. 9. The school trustees herein prescribed shall be appointed annually; they may be removed by the district board for cause, spread on the minutes of the court, and others may be appointed until the end of the term.

SEC. 10. The taxes herein required to be levied for the purpose of building school-houses, shall be assessed and collected as other county taxes. When collected they shall be paid over to the county treasurer, subject to the order of the county Court.

SEC. 11. The tax assessors of each county shall, every year, take the scholastic census of their respective precincts, and the several school districts therein, and shall transmit a copy thereof to the State Treasurer, under their official signature, and file a like copy in the office of the district clerk of the county; and from this list the County Court shall apportion the school funds of the county among the sub-school districts, according to their scholastic population.

SEC. 12. The State Treasurer shall keep a record of the number of children of scholastic age in each and every county in this State, and a correct account of the school fund due the several counties; and at the commencement of the fiscal year, he shall distribute to the several counties the amount due them, according to the scholastic population. He shall report to the Governor annually the condition of the school fund, and the distributions

made to the several counties; the amount due the several counties to be paid to the county treasurer for the use of the public free schools of the counties respectively.

SEC. 13. The Treasurer of the State may authorize the collection of taxes for the several counties, to pay the whole or a part of the taxes collected for school purposes to the county treasurer for the use of the county, and the receipt of the treasurer of the county shall be a sufficient voucher, on settlement with the tax collector, for the amount so paid.

SEC. 14. All school funds, derivable from whatever source, shall be paid into the treasury of the State, or county treasury when originating in the county, and shall be exclusively appropriated to the payment of teachers, and the salary of the superintendent and clerk, and other incidental fees for collecting and disbursing as may be provided by law.

SEC. 15. County treasurers shall keep a record of all money received on account of the school fund, and of all money paid out, to whom, and for what purpose paid, and at what date, and shall make annual report to State Treasurer.

SEC. 16. The English branches of education shall be taught in the public free schools of this State; and the school examiners shall not recommend any person as a teacher who is not competent and well qualified to teach said branches, especially spelling, reading, writing, arithmetic, grammar and geography, and who is not of good moral character and sober habits; and the board of school directors may permit in any public school in their respective counties that, in connection with the English branches of education, any foreign language may be taught.

SEC. 17. The salary of the superintendent shall be paid quarterly, and he may employ a clerk at a salary not exceeding twelve hundred dollars, if, in his discretion, the duties of the office require it.

SEC. 18. Free public schools shall be taught at least four months in each year, and they may be taught for a greater period if the amount of school fund is sufficient, or if the citizens of the district by subscription or advancement will supply the deficiency; and every child between the ages of six and sixteen years shall attend a public school at least four months in each year, unless it be prevented by sickness; provided, that when

any of the scholastic inhabitants may be shown to have received regular instruction for said period of time in each and every year, from any private teacher having a proper certificate of competency, this shall exempt them from the operation of this section.

SEC. 19. All moneys now standing to the credit of the "school fund" in the treasury of the State, and all lands heretofore surveyed and set apart for establishing a primary school or academy in the several counties of this State; and all sums of money that may come to this State hereafter from fines and forfeitures, set apart by law for school purposes, or from the sale of any portion of the public domain of the State of Texas, and all sums now due said school fund from individuals and corporations, shall constitute that portion of the school fund to be denominated the permanent school fund; and as soon as practicable, these moneys, claims, and proceeds shall be consolidated and converted into United States bonds, and the interest only of this fund shall be applied to the support of public free schools in this State.

SEC. 20. The fourth of the annual revenue derivable from taxation, and the annual poll-tax of one dollar, to be levied and collected for the benefit of "public schools," and the interest accruing upon the permanent school fund, shall be denominated the available school fund; and this shall be applied exclusively to the payment of teachers' salaries and the expenses of the educational bureau; and no part of this fund shall be applied to any other purposes, except by law.

SEC. 21. It shall be the duty of the district attorney of each judicial district to inspect the action of the respective County Courts composing his district, in regard to all matters pertaining to public schools, and report to the Superintendent of Public Instruction at the end of each term of the court held in each county of said district.

SEC. 22. That this act take effect and be in force from and after its passage.

Approved August 13, 1870.¹

¹*General Laws of the Twelfth Legislature of the State of Texas. Called Session, 1890; 113-118;*

Gammel's Laws of Texas, Vol. 6, (287-292).

GOVERNOR'S MESSAGE

EXECUTIVE OFFICE,

AUSTIN, January 10, 1871.

Gentlemen of the Senate and House of Representatives of Texas:

STATE BONDS

.....

It will be perceived that I have not included in this estimate of indebtedness the bonds issued to the Common School and University funds under the provisional act of November 12, 1866, amounting to \$216,641.08 and interest. I can perceive no good reason why these bonds, issued to replace five per cent. United States indemnity bonds, taken and disposed of during the rebellion by the authorities then in possession of the State, should now be a charge upon the people. If it is necessary that the School and University fund should be increased in a sum equivalent to those bonds, it had better be done in plain terms, but there is no such necessity, and it is our experience in the past, that the accumulation of these special funds tends to invite spoliation.

The School and University funds are now, I believe, quite as large as they can safely remain, and the taxes that would go to pay interest on bonds added to swell those funds, might as well be expended directly in support of schools or universities. I, therefore, recommend that the bonds issued to the School and University funds under said provisional act of 1866, be canceled.

.....

PUBLIC SCHOOLS AND SCHOOL AND UNIVERSITY FUND

The public school system enacted at the last session of your body, has not been put in operation, because of failure to make an appropriation therefor. The constitution having provided that one-fourth of the ordinary taxes, the capitation tax and the income from the school fund, shall be "applied as needed," for the education of the scholastic inhabitants of the State, there is

an impression abroad that the sums accruing from these sources, can be drawn from the treasury and used, without specific appropriation. But section 6, article XII, is very distinct in its declaration that "no money shall be drawn from the treasury but in pursuance of specific appropriation made by law." I trust that your early attention will be called to the supplying of this omission. The maintenance of a good system of public schools, I regard as second in importance to no other object of government under our institutions. The people expect us to attend to this matter at once, as every day's delay is of irreparable damage to the growing generation, for whose wants we are called upon to provide.

The returns of scholastic census, taken under section 11 of the act of your last session, to establish a system of public free schools, have been received from but a few counties, and from many of these the returns are only partial. They show in twenty-five counties, from which the returns are complete 42,388, and in sixteen counties, from which the returns are incomplete, 12,331 children within the scholastic age. The State Treasurer informs me that the taking of this census is probably delayed by the omission of the School Law to fix a certain and adequate compensation therefor, to the justices who are required to take it.

Assuming the returns received as a basis for calculation, I estimate the total scholastic population of the State at about one hundred and sixty thousand, of whom at least one hundred thousand now enjoy no school advantages whatever. This condition should not be allowed to last a moment longer, because, with the ample endowment of our public schools, it is inexcusable. This endowment consists of the "perpetual fund" (of which only the interest can be used) and that portion of the annual taxes assigned by the constitution to the support of the public schools, and which may be appropriated annually to that purpose. The perpetual fund which is now producing (or can be soon made to produce) income, embraces the following items:

1. \$60,258.61 (\$58,999.31 coin and \$1,279.30 currency,) in the Treasury, authorized by act of August 12, 1870, to be converted into United States five-twenty bonds.

2. \$2,759,731.44 gold, consolidated principal and interest, due by railroad companies to the school fund, on the first day of

May, 1870. On their respective shares of this amount, all the railroads paid up, on or before the eleventh of November last, the interest and one per cent sinking fund, coming due at that date, under the act of August 13, 1870, with exception of the "Houston Tap and Brazoria Railroad," and the "Texas and New Orleans Railroad." The amount due from these two roads, on the said first day of May, 1870, was \$1,125,859.45. They are advertised to be sold on the fourteenth and fifteenth days of February next, and I hope to realize therefrom at least half of the amount due the School fund.

3. \$250,000 of the amount claimed in the suits now pending in Washington, based on the Texas Indemnity bonds. I think this amount may reasonably be expected to be realized from those suits after paying all expenses.

4. \$10,269.39 (\$9,800 in United States six per cent. bonds and \$469.39 in currency) reported by S. M. Swenson, Esq., of New York, to be in his hands and belonging to the State. Mr. Swenson desires to hold this as security for a claim which he has against the State, but I have informed him that I have no authority to make such arrangement, and he will probably pay over the amount when called upon.

5. \$61,000 in Texas Indemnity bonds, deposited by Provisional Governor A. J. Hamilton, at the Treasury in Washington. The cash (gold) for these, can be had at any time on application there.

In connection with the Public School fund, or rather the University fund, (the two funds properly being considered together.) I would call your attention to the donation made by acts of Congress, of scrip representing 180,000 acres of land, to provide colleges for the "benefit of agriculture and the mechanic arts." I have made application at Washington for this scrip and it has probably, ere this, been turned over to the agent appointed; but under the said acts, (July 2, 1862, and amendment July 23, 1866,) of Congress, the State must provide, within five years from 1866, at least one such college as is described in the acts, or must refund to the United States the scrip or its proceeds. Less than one year remains within which this State can secure the benefits intended. I think we cannot safely attempt at present the establishment of more than one of these colleges, and suggest

that this be incorporated with the State University. I recommend the early passage of an act applicable to the case.

According to my above estimate of the school fund, the actual cash (or equivalent) gold value of it, is now upwards of two million five hundred and seventy-five thousand (\$2,575,000) dollars. The items which have not already been realized and placed in the Treasury, will so be within a few months, and when we recollect that the school fund was not long since given up in the minds of most people as totally lost, the above result is very gratifying. I recommend that you authorize all the above sums, as fast as realized, to be converted in United States bonds, and also that similar disposition be authorized of proceeds of sale of school lands or public domain, and of the 2 per cent. per annum received from the railroads, on account of the sinking fund.

The money received from these sources constitutes what the Constitution denominates the "Public School Fund" proper. The interest of this fund, and the poll tax, and the one-fourth of the ordinary State taxes, and the proceeds of such special school tax as the Legislature may authorize, is to be appropriated by your body annually to the support of the public schools. If these portions of the fund not now yielding interest, are speedily invested in United States bonds, I think that for the current year, the sum of \$500,000 may be expected as disposable by appropriation for maintenance of public schools, without resorting to the imposition of any special school tax; and I recommend an appropriation of that amount to the establishment and maintenance of public schools, such appropriation to be drawn only from funds especially disposable for school purposes.

But the first matter requiring attention in this regard, will be the enactment of an efficient school law, to the end that your appropriation may not be expended in vain. The law passed at your last session seems in many respects impracticable, and not likely to carry out the spirit of the excellent provisions of the Constitution. I will instance here, the enactment in that law for enforcing the education of children. The Constitution makers seemed to reason, that parents or guardians could not willfully permit children under their care to grow up in ignorance, without themselves becoming guilty of an offence against the public welfare. The Constitution evidently intended the in-

fiction of a substantial punishment on such persons, but the enactment on that subject in the law, will, by most of such delinquents, hardly be considered a punishment.¹

AN ACT TO GIVE EFFECT TO THE SEVERAL PROVISIONS
OF THE CONSTITUTION CONCERNING TAXES

.....

THE TAX FOR DISTRICT SCHOOL HOUSES

SEC. 8. A direct *ad valorem* tax, for the year 1871, of one-fourth the amount of the direct *ad valorem* State tax, on all real property situate, and all personal property owned in each school district in this State, save so much thereof as is exempted as aforesaid, to "provide the necessary (Constitution, article nine, section seven,) school houses in each district, and insure the education of all the scholastic inhabitants of the several districts." This tax, if deemed too large, may before the collection, be reduced to any specific less rate by order of the county court.

.....

REPEALING SECTION

SEC. 32. All laws and parts of laws in conflict herewith, except such as authorize special county taxes and other special taxes, shall be and are hereby repealed, saving and reserving all rights of the State, of the respective counties and of the officers thereof under the same; the rights of the officers to be adjusted in conformity with the instructions to be issued under this act.

SEC. 33. For the purpose of the prompt promulgation and understanding of this act by tax payers, the Secretary of State is directed to have the same published in the official journals of the several districts of the State; and this act shall take effect and be in force from and after its passage.

Approved April 22, 1871.²

¹Message of Gov. Edmund J. Davis, of the State of Texas, 1871, 5-7, 8-10.

²General Laws of Texas, 1871, 47, 56; Gammel's Laws of Texas, Vol. 6, (945-958.)

AN ACT TO ORGANIZE AND MAINTAIN A SYSTEM OF PUBLIC
FREE SCHOOLS IN THE STATE OF TEXAS

SECTION 1. *Be it enacted by the Legislature of Texas,* That the Superintendent of Public Instruction shall have supervisory control of all the public free schools in this State, and shall receive a salary of three thousand dollars per annum. He shall keep a record of the number of children in each county of scholastic age, from six to eighteen years of age; apportion the money of the school fund of the State to the several counties according to the scholastic population. He shall keep a correct account of all moneys of the school fund and matters appertaining thereto, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, distributions of moneys, and such suggestions in regard to the school system as may be deemed advisable. The fiscal scholastic year shall be the same as the fiscal year of the Treasury. He shall prescribe and furnish all necessary forms for teachers and all other subordinate officers of the Bureau of Education, and he shall direct the manner and times of making reports by those officers and persons, and shall examine and approve all accounts for compensation of teachers and employés of the Bureau of Education, and for school books and apparatus purchased for public schools before the same shall be paid at the Treasury.

SEC. 2. The Superintendent of Public Instruction, with the approval of the Governor, shall appoint for each judicial district of this State one supervisor of education for such judicial district, who shall hold his office for four years, unless sooner removed. Each supervisor of education shall receive, as compensation, the sum of five dollars per day for the time actually employed in attending to the duties of his office; *provided*, that the total to be paid to any supervisor during any one year shall not exceed the sum of twelve hundred dollars. The supervisors of education may be removed by the Superintendent of Public Instruction, on the approval of the Governor, for incompetency, malfeasance or neglect of duty. The supervisors of education shall be empowered to lay off and subdivide the counties of their respective judicial districts into school districts, and shall be empowered to appoint five school directors for each school district; but the authority of the supervisors in these respects shall

be subject to the control and revision of the Superintendent of Public Instruction. It shall be the duty of the supervisors to enforce, in their respective districts, all rules and regulations adopted by the Board of Education for the government of public free schools in this State.

SEC. 3. The Superintendent of Public Instruction, with the Governor and the Attorney General, shall form a Board of Education for the State. It shall be the duty of this board, subject to the Constitution and laws of this State, to adopt all necessary rules and regulations for the establishment and promotion of public schools; to provide for the examination and appointment of teachers, and to fix their compensation; to define the course of studies in the public schools, and direct the class and kind of apparatus and books to be used therein; to prescribe the duties of the boards of directors, and generally do all things not inconsistent with the Constitution and laws of this State necessary to establish and maintain a system of public free schools; *provided*, that the Board of Education for this State shall prescribe no rule or regulation that will prevent the directors of the school districts from making any separation of the students that the peace and success of the school and the good of the whole may require.

SEC. 4. The Board of Education for the State shall report for action of the Legislature from time to time such amendments of the school laws of this State as may be found necessary, stating in their report the facts and reasons which, in their opinion, render necessary such proposed amendments.

SEC. 5. The available school fund, liable to appropriation for the support of public schools, is hereby declared to be all interest which has accrued, or may hereafter accrue, to the school fund from railroads or otherwise, since the thirtieth day of March, 1870, one-fourth of all the *ad valorem* and occupation taxes assessed since that date, and such other taxes as have been or may be provided by law for the support of public schools. Accounts against this available school fund shall be paid out of any part of it that may be in the Treasury, on appropriation therefor by the Legislature. The directors of each school district shall have authority to levy a tax of not exceeding one per cent. for the purpose of building school houses and maintaining schools in their respective school districts; and the manner of

the collection and disbursement of this tax shall be prescribed by the Board of Education for the State.

SEC. 6. The board of school directors shall require the attendance on the public schools of their respective districts, of all the scholastic population thereof, for a term of at least four months of each and every year; and should any of said scholastic population neglect or refuse to attend said schools each and every parent or guardian of such child or ward neglecting or refusing to attend shall be deemed guilty of a misdemeanor, and upon trial and conviction thereof before any court of competent jurisdiction, shall be fined in a sum not to exceed twenty-five dollars for each and every such offense, and shall pay the costs of the prosecution; and all moneys collected for fines, under the provisions of this section, shall be paid into and become a part of the public school fund of the district where the penalty was incurred; *provided* that when any child or ward of scholastic age may be shown to have received regular instruction from any private teacher having a proper certificate of competency, or when it may be shown that said child or ward was prevented by ill health from attending school, or that there was no public school within three miles of the residence of said child or ward or that said absence was caused by reason of danger from hostile Indians—this shall exempt them from the operation of the penalty contemplated by this section; *and further provided*, that nothing in this act shall be construed as to compel the attendance of a child under ten years of age on the public free schools when there is no school established within one mile of the residence of said child or ward.

SEC. 7. That all laws and parts of laws not consistent with this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 24, 1871.¹

¹*Rules and Regulations for the Government of Public Free Schools in the State of Texas. Adopted by the Board of Education, 1871, 3-7; General Laws of Texas, 1871, 57-60.*

RULES AND REGULATIONS
 for the
GOVERNMENT OF THE PUBLIC FREE SCHOOLS
 in the
 State of Texas

TITLE II

.....

SUPERVISORS

.....

REGULATION 5. A supervisor, upon receiving information from school directors, or otherwise, that any teacher in his district has treated a pupil in a harsh or cruel manner, shall at once direct the school directors in whose district such an occurrence took place, to inquire into the facts of the case, and forward their report through him to the superintendent.

.....

REGULATION 9. Supervisors, upon receiving the check books of the different teachers of their judicial districts, will forward to the superintendent the names of all persons of scholastic age who have not attended school for four months as provided in section six of "An act to organize and maintain a system of Public Free Schools in the State of Texas," approved April 24, 1871.

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TITLE III

BOARD OF DIRECTORS

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RULE 3—After the organization of the Board of Directors has been effected they will proceed to levy the tax as prescribed in section five of "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

.....

RULE 6—It shall be the duty of school directors to select sites

on which to build school houses in their respective districts immediately after they have levied the tax as prescribed by rule No. 3.

.....

RULE 7—After having selected sites they will send information through the supervisor to the Superintendent, giving the number of children who live in the neighborhood of the different sites, and who will have to attend school at each place, and such other information as may be necessary to enable the Superintendent to send them plans for the different school houses to be built.

RULE 8—After receiving the plans for each school house, school directors will advertise in the official paper of their respective judicial districts and the STATE JOURNAL at Austin, inviting bids for building different school houses—a blank form for which will be furnished from the office of the Superintendent. The cost of such advertisements to be paid out of the funds collected from the special tax levied by said school directors.

RULE 9—No contract made by school directors for building school houses will be carried into execution until the same has been approved by the Superintendent.

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TITLE IV

RULES FOR THE GOVERNMENT OF PUBLIC SCHOOLS

RULE 1—The scholastic year shall commence on the first Monday in September, and continue until the thirtieth day of June, exclusive of the Christmas holidays, and shall be divided into three terms of thirteen weeks each.

.....

RULE 5—There shall be for the present three grades of schools, denominated, respectively, the first, second, and third classes.

RULE 6—The branches taught in the third class shall be spelling, reading and writing; in the second class reading, writing, orthography and arithmetic; in the first class orthography, reading, writing, arithmetic, grammar, geography and history—es-

pecially that of the United States and the State of Texas, as soon as one of this State can be procured.

RULE 7—In schools for girls, whenever practicable, two half days in each week shall be devoted to teaching needle work, the teacher to have authority to name the days.

.....

RULE 9—Any person applying for an office, or desiring to become a teacher in this department, must be well endorsed, and possess the following qualifications: First, a good moral character; second, competency; third, temperate habits; fourth, belief in a Supreme Being.

RULE 10—It shall be the duty of each supervisor to examine any person making application for an examination as teacher for either a public or private school in his judicial district, and if such person pass a satisfactory examination the supervisor shall issue to the applicant a certificate stating the class he or she may be qualified to teach.....

.....

RULE 14—The Superintendent shall have authority to order any teacher of a Public Free School in this State before the board of examiners at Austin, Texas, or before such other authority, for examination, as may be designated by the Superintendent.

.....

RULE 17—Principals of schools, colleges, etc., shall subscribe to the following oath of office: "I do solemnly swear (or affirm) that I will honestly and faithfully support the constitution and laws of the United States, and of the State of Texas; that I will endeavor to inculcate in the mind of youth sentiments of patriotism and loyalty to the Government of the United States, and of the State of Texas, and will fully, faithfully and impartially perform the duties of a principal to the best of my ability, so help me God." The said oath to be forwarded to the office of the Superintendent.

RULE 18—A teacher who holds a certificate of the third class shall receive for every month's labor (\$75) seventy-five dollars, of the second class (\$90) ninety dollars, and of the first class

(\$110) one hundred and ten dollars; *provided*, that no teacher shall receive pay for a higher grade than that actually taught.

RULE 19—A principal shall receive for every month's labor, from (\$115) one hundred and fifteen dollars to (\$150) one hundred and fifty dollars, according to the number of schools under his or her direction.

.....

RULE 23—The Superintendent of Public Instruction is hereby authorized to rent suitable rooms or houses, for temporary use, for the establishment of schools when and wherever he may deem it necessary.

.....

RULE 26—Boards of directors of school districts shall levy a tax of one per cent as provided for by section five of "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871; said levy to be made on the assessment rolls of the tax assessors of their respective school districts, and collected and deposited as provided in Rule No. 4, title III, "Boards of Directors."

.....

RULE 30—The Superintendent of Public Instruction is charged with the duty of having the books, etc., adopted by the Board of Education, distributed through the State in such a way that all persons of scholastic age can be supplied by the first Monday of September, 1871.

RULE 31—Rule 6, Title IV, "Rules for the government of public schools," is amended so as to read hereafter as follows, viz.; The branches taught in the third class shall be orthography, reading, penmanship, geography and primary arithmetic; in the second class, orthography, reading, penmanship, higher geography, mental and practical arithmetic, elementary English grammar, and history of the United States; in the first class, orthography, reading, penmanship, mental and higher arithmetic, English grammar, English composition, modern history, physical geography, Constitution of the United States, and any branches of a higher grade that pupils may be competent to study.

RULE 32—Teachers will be permitted to teach the German, French and Spanish languages in the Public Schools of this State, provided the time so occupied shall not exceed two hours each day.

(Rules 26-30, Inclusive were adopted by the board of Education June 20, and July 7, 1871; Rule 31, adopted Aug. 12, 1871.)

TITLE V

TEACHERS

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REGULATION 2—No teacher shall be permitted to teach in any public school in this State without a teacher's certificate issued by the Superintendent, or under his authority.

REGULATION 3—No teacher shall teach a school in this State until he or she has subscribed to the following oath:

“I do solemnly swear (or affirm) that I will honestly and faithfully support the Constitution and laws of the United States, and of the State of Texas; that I will endeavor to inculcate in the minds of youth sentiments of patriotism and loyalty, and will fully, faithfully and impartially perform the duties of a teacher to the best of my ability; so help me God.”

.....

REGULATION 7—Teachers will not be permitted to exercise any sectarian influence in their schools.

REGULATION 8—In maintaining discipline in their schools, teachers are authorized to use any proper and judicious means to accomplish that end, and herein they will receive the full support of the Board of Education.

REGULATION 9—Teachers will be held strictly accountable for any harsh or cruel punishment they may inflict on their pupils, and such punishment is forbidden.

REGULATION 10—Those teachers who are most successful in preserving order and discipline among their pupils through kindness and good counsel, shall receive preference over all others in promotion.

.....

REGULATION 18—Teachers may establish night schools and use the school houses of their respective school districts for that purpose, but no person of scholastic age visiting such schools shall be excused for such reason from regular school attendance as provided by section six of “An act to organize and maintain a system of Public Free Schools in the State of Texas,” approved April 24, 1871.

.....
TITLE VI

PUPILS
.....

RULE 2—No pupil shall be permitted to leave school before the usual time, except when sick, or on account of some pressing emergency of which the teacher shall be the judge.

RULE 3—The sickness of a pupil, or family sickness, shall be the only valid excuse for non-attendance at school, of the urgency of which excuse the teacher shall be the judge.

RULE 4—It shall not be a good excuse for a pupil to be absent at a regular school session for the purpose of taking music, singing or dancing lessons.

.....
RULE 6—Cleanliness in person and clothing is required of every pupil, and whenever a pupil neglects to comply with this rule, the teacher shall have power to suspend such pupil for not more than a week.

Read, considered and adopted by the Board of Education of the State of Texas, May 17, 1871.

EDMUND J. DAVIS,
Governor.

WILLIAM ALEXANDER,
Attorney General.

J. C. DEGRESS,
Superintendent Public Instruction.¹

¹Rules and Regulations for the Government of Public Free Schools in the State of Texas. Adopted by the Board of Education, 1871; 9-31.

REPORT OF THE UNITED STATES COMMISSIONER
OF EDUCATION

.....

TEXAS

Texas, the darkest field, educationally, in the United States, at the close of the last report, has passed an act to organize and maintain a system of public free schools for the State, which was approved April 24, 1871. May 9, a State superintendent was appointed.

How hard was the struggle for the introduction of the system, how violently it is opposed by its enemies, and warmly and strongly sustained by its friends, will appear in the accompanying papers. The governor, we are assured, is giving every aid in his power toward its success, recognizing the fact that education must underlie every permanent improvement in the State, whether material, social, or civil. In addition to the hostile sentiment against free schools, Texas encounters, to a greater extent than most States, the difficulties arising from sparseness of population.¹

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ABSTRACTS FROM THE OFFICIAL REPORTS OF THE SCHOOL OFFICERS OF STATES, TERRITORIES, AND CITIES, WITH ADDITIONAL INFORMATION FROM VARIOUS SOURCES

.....

TEXAS

Dr. B. Sears, the agent of the trustees of the Peabody fund, in his report for 1870, concludes his remarks upon the condition of education in Texas, after stating that he had visited the State, and recounting some of the difficulties in securing information on the subject, by saying that up to that date he "had not been able to effect anything for schools in Texas."

The following communication shows, as far as is now possible, how great a work has since been undertaken, and the vigor with which it is prosecuted. Several valuable school-buildings had,

¹*Report of the United States Bureau of Education, 1871, 14.*

previous to the organization of free schools, been erected by the aid of the Freedmen's Bureau, and thousands of colored people had secured some degree of elementary instruction by the aid of the Government, the charity of friends, and their own exertions.

The superintendent of public instruction of the State communicates the following general statement:

“OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
STATE OF TEXAS.

Austin, October 28, 1871.

“DEAR SIR: Your favor of the 13th instant is received.

“I regret that I am compelled to make so short and unsatisfactory a report of the schools in Texas. Until the present year we have been without any kind of an organized system.

“Numerous school laws have been passed by the different legislatures, but by far the greater part of them for the purpose chiefly of directing the bountiful school fund into other channels than that of educating the youths of Texas.

“The public free schools opened on the 4th ultimo, for the first time in the history of Texas; hence I have no report for the scholastic year ending August 31, 1871. I send you a copy of the new school law, and the rules and regulations adopted by the board of education for the government of public free schools, which contain full information relative to the manner of conducting the schools.

“As there was no superintendent for a long time previous to my appointment in April last, I found nothing, save the law passed this year by the legislature, as a nucleus upon which to organize a system. Owing to the vast territory of the State, with its poor mail facilities, I have received reports from but a small number of the supervisors, and it is impossible to give the number of school teachers and pupils in the State. I have, however, sufficient returns to know that the system promises to be a success, notwithstanding the prejudice and strong opposition of a large portion of the people.

“In the county of Travis the schools opened with 35 teachers and 1,779 pupils; and in McLennan County, with 39 teachers and 1,768 pupils.

“No school-houses have been built by the State, but prepara-

tory steps have been taken, and by the opening of the schools for the next scholastic year it is expected a large number of houses will be completed. For the present they are rented, and generally for a nominal sum.

“I give you a few instances of the maltreatment of teachers, and burning of school houses.

“At Brenham a lady teacher of a private school attended a political meeting of her friends, for which the patrons of her school withdrew their children.

“At Millican a teacher of a public school cast his vote for the candidate of his choice, and his school was broken up in consequence.

“A school-house near Calvert, in which was a colored school, was recently burned by unknown parties; also, a school-house in Collin County, and another in Houston County. Not long since a teacher of a colored school in Bastrop County was taken from his home at night, tied to a tree, and whipped near to death; his school-house was also burned, and a short time since another teacher was whipped in the same county.

“On the 21st instant a school house for the colored people in Towash Hill County was burned by unknown parties, but I am informed the people have already raised the money to build another.

“It is with great difficulty that houses can be procured for the colored schools in the State, on account of the great opposition to the education of the blacks, and it has been even more difficult to find persons willing to teach such schools, as they have in all cases been ostracized from society. I am in hopes that the prejudice will die out, but fear it will not, until the people who fought to keep the colored race in slavery are made to know that the rights of the colored people will be permanently protected by the strong arm of the Government.

“The scholastic population (between six and eighteen) of this State, is about 235,000. The legislature has made an appropriation of \$504,000 for school purposes, for the scholastic year ending August 31, 1872, of which appropriation the sum of \$450,000 is for the support of teachers and employés. In addition to this, the levy of an ad valorem tax on all real and personal property has been authorized for the same year, from which the

sum of \$2,000,000 is anticipated, 'for the purpose of building school-houses and maintaining schools.'

"The permanent school fund consists of \$1,457,517 railroad bonds, bearing 6 per cent. interest in gold; \$61,000, 6 per cent. registered United States bonds, and \$49,000 in United States 5 per cent bonds, together with the accumulated arrears of interest due by railroads; \$320,367.13, 5 per cent. State bonds; \$82,168.-82, 6 per cent. State bonds, the proceeds of the sale of the public domain of the State, and all sums arising from fines and forfeitures, set apart by law for school purposes. A large portion of the lands of the State has also been surveyed, and set apart for school purposes.

"The available school fund consists of interest on the securities above mentioned; one-fourth of the annual revenue derived from taxation; the 1.per cent. tax hereafter referred to, and the State annual poll-tax of \$1, levied on every male person above twenty-one years of age.

.....

"To the objection of centralization which has been urged against this act, the answers are numerous and their force overwhelming:

"1st. The almost total inaction under the law of August 13, 1870.

"2d. The supreme law of necessity.

"3d. The certainty that a system adopted to an educated State, in which a school system had existed for years, is not suited to one, the population of which had been permitted to grow up in ignorance for thirty-five years.

"4th. The opposition to the introduction of any free-school system.

"These are only a few of the reasons that present themselves to every reflecting mind. As soon as better influences prevail, and the hearts of the people shall have been turned toward that education which they have neglected, it will be time enough to

concede to a heartfelt interest an amount of local authority which has been refused to a spirit of apathy or contempt.

“Very respectfully, your obedient servant,

“J. C. DE GRESS,

“*Superintendent of Public Instruction, State of Texas.*

“HON. JOHN EATON, JR.,

“*Commissioner of Education, Washington, D. C.*”

TAXPAYERS' CONVENTION, 1871

AUSTIN, September 22-25

On August 5, 1871, following call was issued from Austin:

“We, the undersigned, citizens and taxpayers of the State of Texas, regardless of party, feeling a deep interest in State affairs, hereby earnestly call upon the people of every county of the State to hold meetings for the purpose of expressing their opinion in regard to the exorbitant expenditures and enormous taxes to which we are subjected. We would suggest that these meetings take place without loss of time, and that the people simultaneously elect from each and every county delegates to meet in convention, say at Austin, on the 22nd day of September next, there to express the sense of the people upon the above subjects, and memorialize the authorities to reduce the taxation, and to order a general election in conformity to the provisions of the constitution.” This call was signed by E. M. Pease, Geo. Hancock, W. M. Walton, M. C. Hamilton and many others. The convention met at Austin on the day named. The attendance was large. Ninety-four counties were represented.

.....

At the second day's session of the convention, Governor Hamilton, chairman of the Committee of Twenty-One, reported verbally that in consequence of the immense labor before them, the committee had been divided into three subcommittees, and these subcommittees were at work and hoped to be able to make their reports on Monday morning, the 25th.

REPORT OF THE COMMITTEE OF TWENTY-ONE

AUSTIN, TEXAS, September 25, 1871.

TO THE HON. E. M. PEASE,

President of the Taxpayers' Convention of the People of Texas.

SIR: The undersigned, the Committee of Twenty-One, ap-

Ibid., 350-351.

pointed by direction of your honorable body to consider and report upon business for the action of the Convention, beg leave to state that the general committee was subdivided, and labor allotted to each one of the subcommittees.

We have the honor to present the reports of the subcommittees as follows:

First, a report upon violations of the constitution and laws.

TO THE HON. A. J. HAMILTON,

Chairman of General Committee of Twenty-One.

SIR: The subcommittee appointed to take into consideration and report to the general committee the several violations of the State and Federal constitutions, and other flagrant violations of law by the present administration of the State government, beg leave to submit the following report:

The violations of constitutions and disregard of law have been very frequent and are very numerous; but frequent as they have been and numerous as they are, we have been unable to find a single one, of either class, based on an honest desire to accomplish good to the people of the State, or to secure prosperity to the country. On the contrary, their apparent cause seems uniformly to spring from one grand purpose, viz.: to concentrate power in the hands of one man, and to emasculate the strength of the citizens of Texas as a free people.

However hopeless such a design might have appeared, and however little feared by the reasoning and intelligent mind eighteen months ago, yet at this day, we must confess, the scheme has far progressed toward consummation, and the people stand stripped of many of the inalienable rights of freemen, while he who is now clothed with these lost rights of the people gloats on their humiliation and congratulates himself on the possession of kingly power.

.....

3. A multitude of new offices have been created, and officers appointed to fill them, without the consent and against the will of the people.

.....

16. The executive is now enforcing the execution of a repealed law, and thereby greatly increasing the taxes demanded of the people, and gaining the possession and control of enormous sums of money, the distribution whereof is subject to his will, in connection with those about him who hold position by his appointment, and whose terms of office depend on his pleasure.

(1) a. The act entitled "An act to organize and maintain a system of public free schools in the State of Texas." (Laws of 1871, p. 59,) was presented to the governor for his approval April 12, 1871. *Senate Journal*, p. 748.)

b. In absence of approval the bill so presented would become a law in five days, if not returned. (Constitution, General Provisions, Sec. 25.)

c. The bill so presented was not approved, nor was it vetoed; so on April 17, 1871, it became a law.

d. The fifth section of said act provides that "The directors of each school district shall have the authority to levy a tax not exceeding one per cent for the purpose of building school houses and maintaining schools in their respective districts."

(2) a. The act entitled "An act to give effect to the several provisions of the constitution concerning taxes," (Laws of 1871, p. 51,) was presented to the governor for his approval on April 20, 1871. (*Senate Journal*, p. 847.)

b. Said bill was approved on April 22, and from that day became a law, five days after the first named had become a law under section 25 of the constitution before cited.

c. The eighth section of the last act named provides that "A direct *ad valorem* tax, for the year 1871, of one-fourth the amount of the direct *ad valorem* State tax, on all real property situate, and all personal property owned in each school district in this State . . . shall be levied and collected to provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several districts."

d. The 22nd section of this act repeals all laws and parts of laws in conflict therewith, "except such as authorize special county taxes and other special taxes."

e. Section 5 of the first law and section 8 of the last law are in conflict, or, at least, the one supplies the other, both being in-

tended to raise a fund by taxation for one and the same identical purpose.

f. The repealing clause repeals section 5 of the act first named, and thereby reduced taxation for school house purposes from one per cent to one-eighth of one per cent.

But, notwithstanding the record shows the foregoing facts, yet the governor appended his approval to the law first named on the 24th day of April, 1871—seven days after it had become a law, and thus of his own will sought to change the dates of laws, and to give them force and effect in a reversed manner, and by his signature to revive a law which had been repealed.

This repealed law is now being enforced and under its provisions a tax of seven-eighths of one per cent on all the property in the State of Texas, real and personal, sought to be collected.

.....

Second, the report of the subcommittee on Taxes and the report of the Committee on Statistics, appointed by order of the Convention, which, for convenience, have been consolidated, is as follows:

.....

We find that the cost of the legislature of 1857 was \$159,760; that of 1866 was \$167,000; that of 1870, \$307,000; and that of 1871, \$285,000, exclusive of the expenses of the adjourned session, which will probably be several hundred thousand dollars more, while the number of members, the *per diem* and mileage were the same for that of 1866 as for the legislature of 1870 and 1871.

We find that the *ad valorem* tax upon property in the years 1858 and 1859 was for the State one-eighth of one per cent.; for the county one-half of that rate.

In 1866, the rate of taxation was increased, for the State to fifteen cents on each hundred dollars, and for county purposes, not exceeding one-half of that rate. The legislature of 1871 increased the taxes as follows, viz.:

Ad valorem State tax upon property, one-fourth of which is for schools, one-half of one per cent.; *ad valorem* county tax, one-quarter of one per cent.; *ad valorem* road and bridge tax,

one-quarter of one per cent.; *ad valorem* tax for school houses, one-eighth of one per cent.; tax for building school houses and maintaining schools, one per cent.; a poll tax of one dollar for schools; a poll tax of one dollar for roads and bridges; besides the occupation and license taxes, and the tax for the frontier bonds, which is understood to have been fixed by the comptroller at five cents on each hundred dollars, from which it will be seen that our present rate of taxation for State and county purposes is about two dollars and seventeen and a half cents ($\$2.17\frac{1}{2}$) on each hundred dollars, besides the poll tax and occupation tax and license taxes.

The following is an estimate of the taxes levied from the people the present year. The estimated value of the property subject to taxation is \$212,000,000:

One-half of one per cent. on above as <i>ad valorem</i>	
State tax, will produce.....	\$1,060,000
One-quarter of one per cent. <i>ad valorem</i> county tax.....	530,000
One-quarter of one per cent. <i>ad valorem</i> bridge tax.....	530,000
One-eighth of one per cent., as one-quarter of State tax for school purposes.....	265,000
One-half of one per cent, as tax to pay frontier bonds	106,000
One per cent. tax for school house purposes, etc.....	2,120,000
Poll tax for roads and bridges, estimated.....	150,000
Poll tax for schools, estimated.....	150,000
License and occupation for State, estimated.....	300,000
License and occupation for county, estimated.....	150,000
	\$5,361,000

In addition to the above, each taxpayer has to pay for the commission for assessing his *ad valorem* tax, which it is supposed will amount to about three per cent. on his *ad valorem* tax.

Your committee believe, from the best examination they have been able to give the subject, that the expenses of the government and the present rate of taxation are excessive. They think the ordinary annual expenses of the government should not exceed \$695,000. They believe that an *ad valorem* tax of one-third of one per cent. for the State, and one-sixth of one per cent for

the counties, with the present poll taxes and license and occupation taxes, will produce an amount of revenue ample to meet all necessary expenses, besides affording a liberal amount for public schools, and still leave a surplus in the Treasury.

An <i>ad valorem</i> tax of one-third of one per cent. upon \$212,000,000, the estimated value of property in the State, will produce.....	\$ 706,666.66
Estimate of license and occupation tax.....	300,000.00
	<hr/>
	\$ 1,006,666.66
Deduct one-quarter, set apart by constitution for schools	251,666.66
	<hr/>
Leaves for ordinary expenses.....	\$ 755,000.00
There will then be applicable for public schools, the above one-quarter.....	251,666.66
Poll tax of one dollar, estimated.....	150,000.00
Annual interest on railroad bonds in Treasury belonging to school fund.....	136,431.00
	<hr/>
This gives annually for public schools.....	\$ 538,097.66
A county tax of one-sixth of one per cent. on \$212,000,000 will produce.....	353,333.33
License and occupation tax, one-half that for State	150,000.00
Poll tax for roads and bridges, estimated.....	150,000.00
	<hr/>
This gives for county purposes.....	\$ 653,333.33

The expenses for the building of school houses should be levied by the citizens of each school district on property situated in the district.

In conclusion, your committee recommend the adoption of the following resolutions:

Resolved, 1. That the present rates of taxation are greatly in excess of the legitimate and necessary wants of the government.

2. That the legislature now in session be, and they are hereby requested by this Convention, as the representatives of the taxpayers and citizens of the State, to revise and remodel the tax

laws so as to levy in lieu of all other direct *ad valorem* taxes, only one-third of one per cent on all real and personal property, not exempt from taxation, for State purposes, and not exceeding one-half of that rate for county purposes. The constitutional rate for school purposes to be taken from the amount thus levied for State purposes.

3. That a copy of these resolutions and accompanying report on statistics be sent, duly authenticated, to the legislature now in session as a request to the said honorable body, that they will consider and act on the foregoing resolution.

C. UPSON,
Chairman Subcommittee.

In connection with these reports and resolutions, we recommend the adoption of the following preamble and resolutions:

In view of the foregoing facts, showing the infractions of the constitution and laws of the State, and in view of the extraordinary expenditures proposed by the authorities and legislature of the State, and consequent burden of taxation levied upon the people to meet such expenditures, and in consequence of the violations of the rights and interests of the people, as are clearly shown to exist in the enactments of the legislature, and in the exercise of unlawful and august powers assumed by the governor of the State, therefore, be it

Resolved, by the representatives of the people of Texas, in convention assembled:

1. That a committee of seven be appointed by the President of this Convention, whose duty it shall be to embody the action of this Convention and confer with the legislature and ask from that body a redress of the grievances of which the people of the State complain.

2. That this Convention declare to the people of the State (having taken competent legal advice thereon) that the order of the superintendent of schools for the collection of one per cent for the building of school houses, etc., is illegal and void, and we advise the people not to pay the same, but only to pay the one-eighth of one per cent. as levied by the legislature.¹

¹This tax was declared unconstitutional by the Commissioners of Appeals, May 6, 1881. *The Texas Law Journal*, Vol. IV, June 22, 1881, 648.

.....

The committee recommend the adoption of the following resolutions:

Resolved, 1. That while we are assembled here from every part of this great State, to protest to mankind against the grievous wrong under which the people are now laboring, we do at the same time solemnly and earnestly deprecate all violations of law and order, whether committed by bodies of men calling themselves by one name or another, or called by others by any name whatever.

2. That we recognize the right of every person in the State, without regard to race or previous condition, to equal civil and political rights under the law, and to have protection for his life, liberty, and property. That we are in favor of paying all lawful and reasonable taxes for the establishment of public free schools, and to carry on the government; but, at the same time, we recommend to the people that they do not pay such portions of the tax now demanded as we here show to be illegal.

3. That we solemnly appeal to the deliberate judgment of the civilized world, and especially to that portion believing in the principles of republican government, for their support and aid in our protest.

All of which is respectfully submitted.

A. J. HAMILTON, Chairman.

On motion, the report of the committee was adopted, when the resolutions thereto attached were taken up *seriatim* and adopted by the Convention.

Committee of Seven to memorialize the Legislature: W. M. Walton, John Ireland, J. W. Throckmorton, J. T. Harcourt, M. C. Hamilton, A. J. Hamilton, and C. S. West.¹

COMPULSORY FEATURE IN THE RADICAL SCHOOL LAW

Those who heard Judge Hancock in his speech at Barton's Spring, on the 1st inst., will remember with what clearness and

¹Winkler, E. W. *Platforms of Political Parties in Texas*, 128-140; *Proceedings of the Taxpayers' Convention of the State of Texas held at the City of Austin, Sept. 22d and 23rd and 25th, 1871.*

force he brought to view this odious and tyrannical feature in the Radical School law, and declared it against common right—a plain usurpation by Government of the natural rights of parents in relation to their children, etc.

It now appears that the views of Judge Hancock, our candidate for Congress, upon this point accords precisely with the decision of the Supreme Court of Illinois, and rests upon a solid principle, without which free government and personal liberty cannot exist.

In speaking of this subject, our able contemporary, the *Columbus* (Miss.) Democrat, says:

“The Supreme Court of Illinois recently dealt a very wholesome blow at one of the most favorite schemes of a certain class of reformers. The decision it rendered was upon the question whether the Legislature possessed the right to establish a reform school and provide for the summary commitment to it of children who ‘are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness or vice.’ It denied the right, and maintained that its existence would be unconstitutional and subversive of the principles of republican institutions; that parents were the legal and proper guardians of children, and that their right over the children was superior to the State. A writer in the *American Law Register* commends this decision in the strongest terms, and says, ‘there can be no question, it is a every creditable advance in favor of liberty, among the children of white parents, as well as those of a more sombre hue. All classes of men, and women too, under it, may keep their own children at home and educate them in their own way.’

“The idea that it is the right and duty of the State to enforce education by taking children from their parents is the legitimate result of the views which gave rise to the common school system. The latter have no more ground to rest upon, either in reason, or a constitutional government, than the former. And while the decision of the Illinois court may be a ‘creditable advance in favor of liberty,’ a complete overthrow of the whole plan by which the State is converted into an agent for educating the masses would be a vindication of the principles of enlightened progress as we find them developed in a wise and beneficent philosophy.

The class of reformers who are endeavoring to make of society a huge machine, with the crank at the seat of government, are simply adopting the exploded theories of another age. Under their system every grade and every class would be compelled to look to the central power for that which they should find in their own brain and muscle, and as a consequence universal stagnancy and retrogression would take the place of progress and improvement. Their views have taken hold of a large portion of the people of this country—indeed the Black Republican party in enforcing the common school system at the South, have carried them into full practice—and if something is not done to counteract their baleful effects we may calculate with safety upon a dreary future.”

The incompatibility of this tyrannical and barbarous feature of the Radical school system, with true liberty, is so obvious as hardly to have escaped the attention of its authors; but we presume it was adopted for that very reason. It was framed as a means of buying votes to keep the party in power, for it provided salaries for many thousands of officials, to be paid by taxation of the people who are to be subjugated by its operation to the will of these unscrupulous tyrants. The more the subject is considered, the more glaring will its iniquities appear. Now, believing that this compulsory part of the law is destruction of vested rights and void, we hope our citizens may refuse to acquiesce in its enforcement until this question shall be determined by the court of final resort in the country. If our rights and liberties are not worth this struggle, they are not worth having. Here is opened to the patriotic and aspiring sons of the law a glorious field for the display of their learning and eloquence. In some sense, the lawyers of a State are responsible for the good and legal government of the people. Their aid is now loudly called for. In the glowing language of Judge Bledsoe of Kentucky, more than forty years ago:

“Even one great and good lawyer and statesman is a blessing to his country. His goings forth resemble a messenger from Heaven—beautiful as the morning to the sons and daughters of affliction, but to the oppressor ‘terrible as an army with banners.’ ”¹

¹*The Democratic Statesman*, August 22, 1871.

SENATOR M. C. HAMILTON ON THE
FREE SCHOOL SYSTEM

We do not object to the Free School system in some form, but that the administration should use it as a political machine for the advancement of Republican influence is only another example of that corruption, which seems the inevitable accompaniment of all their measures.

We copy from an article written by Senator Hamilton upon this subject, the following:

“The ‘Board of Education’ seem to think it desirable to expend two and a half or three millions of dollars in a single year to build schoolhouses, when one-twentieth of that sum would meet the wants of the several districts for the present. This enormous sum must be wrung from an already overtaxed people, that the present authorities may, in after years, have the credit of having not only organized the public school system, but purchased sites in the several school districts, and completed handsome and substantial structures for the accommodation of all the scholastic population. This is the pretense—while the great army of needless functionaries quartered upon the school fund are literally swarming all over the State engaged in manipulating county meetings, and packing nominating conventions, and other political jobbery. The people feel disinclined to trust such men with so large a sum of money. They have no confidence in the judgment of such men, and little more in their integrity.

“What other community, whether wealthy or otherwise, ever undertook or thought of undertaking the completion of such a work as the establishment of a public school system, with all the necessary buildings, furniture, fixtures, and books, in a single year? Why, it has been the work of two generations in many of the wealthiest States of the North and West. These are now getting up good schoolhouses generally, though the work is not finished. If we shall have our system, schoolhouses included, in even tolerable condition, within the next ten, or even twenty years, we shall have reason to congratulate ourselves. It is not a work that can be accomplished in a day. It is not desirable, in fact, that it should be, even could the means be raised without oppressing the people. The system should grow up, as all systems have done that have outlived their organization. No suc-

cessful individual or government ever prosecuted any enterprise in so injudicious a manner as is now proposed in regard to the school system of this State. Neither the United States nor any other government ever contemplates, as a rule, the completion of great works in a day, or a year, however easy it may be to raise the necessary funds. Many of the public buildings, docks, arsenals, forts and other public works, are on hand for many years, small appropriations being made from year to year as the work progresses.

The design of collecting from an unthrifty people in a single year, in the face of a blighted harvest, so large a sum of money to be disbursed by the board of education, when the labor of the inhabitants in the several school districts might supply the needed buildings, for school purposes just as well, has engendered a strong suspicion of the ability, if not the good intentions, of the supervisor. His appointments, notoriously made to influence political results and their active employment under his direct supervision in the dirty work, as well as the characters of many of the appointees, so far from relieving him from that suspicion, only serves to strengthen it. He and his staff have been the chief architects in shaping the resolutions complimenting themselves and the Governor, at Houston and New Braunfels, and placing in nomination for Congress in the third district a candidate distasteful to the party.¹

THE DEMOCRATIC PARTY AND PUBLIC FREE SCHOOLS

"The Democratic party of this State is now clearly pledged to break down the free public schools of the State if they can."

The author of the foregoing paragraph, knew when he penned it that it was not only false, but slanderous. The Democratic party is not pledged to break down the free public schools, but it is pledged to break down the infamously corrupt system adopted by Radical thieves and public plunderers, by which the money paid by our citizens to educate the children of this State is diverted from its legitimate purposes, and is now used to keep thousands of imaginary officials in place. The munificent fund

¹*The Democratic Statesman*, October 10, 1871.

provided by the Constitution and laws for public free school purposes is ample to educate every child in the State, if properly and economically expended. The Governor, Attorney General, and Superintendent of Public Instruction, were appointed a board to adopt rules and regulations for putting the schools into operation. Under this general authority, they published a code of laws that was obnoxious to the people in every portion of the State. These laws were condemned by parents and school patrons everywhere, as not calculated to accomplish the objects contemplated by the originators of the free public school idea. Hundreds of thousands of dollars are used to subsidize the Radical press and to pay officers created only for partisan political purposes, and wholly unnecessary to the proper application of the school fund. A course of study is prescribed which was intended, surreptitiously, to instill into the minds of the children of Texas the infamies of Radicalism. This wicked purpose was deliberately devised to prevent the great mass of the white people from a participation in the benefits of this fund, and then heavy penalties are prescribed for failing to send children to these political schools. The cry of indignation raised in every quarter, has caused a partial modification of some of the more odious features of these rules, but the system as now being forced on the country, does not meet with favor by the tax-payers, who furnished the school money; and they are compelled to send their children to other than the public schools.

Then, too, a fraudulent attempt is being made to extort a tax of one per cent., *ad valorem*, on all property of the State, ostensibly to build school houses, but really to furnish chicken pie to the Radical official press, when there is no law in force authorizing such a tax. The fraudulent attempt of the Governor, by wrongfully dating his approval of the Tax and School Bills, to give validity to this repealed law, has so often been exposed that it cannot impose on any one at this time, and the people very properly refused to pay this so-called tax. If this be treason, make the most of it. If this will "lead to revolution and a second reconstruction," as predicted by the Union, then we say to the experienced writer for the Union, in getting up revolution, to begin his revolt, for this school-house tax fraud will not be acquiesced in by the tax-paying people of Texas.

It is these wrongs and this oppressive system that the Democratic party is pledged to break up, and not the schools. We want a system adopted that will be just, fair, economical, and that will commend itself to those interested in its success. All the children of the State can be educated by this school fund, and the Democratic party when in power will see to it that it is done.¹

REPUBLICAN STATE CONVENTION, 1872

HOUSTON, May 14-16

The rupture in the ranks of the National Republican party caused the leaders of the party in Texas to lay great emphasis on the necessity for harmony. The call for a convention was issued early; among the objects of the meeting was specified a thorough reorganization of the party. The attendance was about three hundred and fifty delegates.

.....

PLATFORM

WHEREAS, The Republican party of the United States is about to appeal once more to the Nation for the support of its principles in the coming presidential election; and

WHEREAS, The election in this State in November next will decide whether or not the Democratic party, with its prejudices against the equal rights of men and against popular education, is to be restored to power in Texas:

Therefore, the Republicans of Texas, in convention assembled, do now make the following declaration of their principles as a party:

.....

5. The Republican party in Texas regard the free education of all the children of Texas as a sacred duty, the first and most sacred of all our public duties; and we hereby pledge ourselves to secure to the children of all the facilities of free public education at the smallest cost possible to the people; and we will

¹*The Democratic Statesman*, November 18, 1871.

hedge the system of public education with all possible safeguards, endeavoring to secure the most rigid economy and the best administrative experience. Free public schools shall ever be the dearest motto of the Republicans of Texas.¹

DEMOCRATIC STATE CONVENTION, 1872

CORSICANA, June 17-19

In the call for a State convention the Democratic executive committee pointed out that the meeting would be the most important that perhaps had ever assembled in Texas since, on the wisdom of its counsels and the harmony to be established will depend the future success of the Democracy of Texas.....

.....

PLATFORM

We, the Democrats of the State of Texas, in convention assembled, deem it proper to announce our opinions and purposes in the present critical condition of public affairs. It is, therefore, *Resolved,*

.....

9. WHEREAS, The school fund, sacredly set apart for the education of the children of this State, has, under the political misrule of the last two years, been plundered by speculation, squandered, and perverted to political purposes: The Democratic party deem it fitting on this occasion to reaffirm the opinion that agreeably to the policy the party has hitherto pursued, it is the duty of the State to establish common schools and furnish the means of a good common school education to every child in the State.²

¹Winkler, E. W. *Platforms of Political Parties in Texas*, 140-143; *The Nueces Valley*, May 25 and June 1 and 8, 1872.

²*Ibid.*, 143-147; *The Daily Telegraph* (Houston), June 18-20 and 25; *The State Gazette* (Austin), June 26.

AN ACT TO SET APART ONE-HALF OF THE PUBLIC DOMAIN
FOR THE SUPPORT AND MAINTENANCE OF PUBLIC SCHOOLS

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That one-half of the public domain of the State of Texas, or so much thereof as can be, is set apart and appropriated for the support and maintenance of public schools of this State, in the following manner, to-wit: That all land certificates heretofore issued, as well as those hereafter issued, to any railroad company, or other corporation of any nature whatever, for internal improvements or any other object; or any lands hereafter granted in any manner to any of said companies or corporations for any such object, shall be located and surveyed in alternate sections of six hundred and forty (640) acres each, and as directed by an act entitled "An act to encourage the construction of railroads in Texas by donation of lands," approved January 30, 1854, and other laws amendatory of or supplementary thereto; and the even numbers of sections and fractional sections thus located and surveyed, shall be, so soon as surveyed and designated in the manner prescribed by said laws, held and considered for all purposes to be set apart and appropriated for the support and maintenance of public schools of this State, and shall constitute a part of the "public school fund;" and that the alternate sections and fractional sections reserved, set apart and appropriated as aforesaid, shall not be subject to location, settlement or survey of any homestead, pre-emption, or other claim whatever; *provided*, that owners of valid headright certificates, bounty land warrants, or other valid claims, shall not be required to locate and survey them in alternate sections as here prescribed; but in all cases they shall respect and not interfere with the alternate sections of land set apart and appropriated as aforesaid.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1873.¹

¹*General Laws of Texas*, 15-16.

AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF PUBLIC
FREE SCHOOLS IN THE STATE OF TEXAS

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That at the next general election to be held in this State, and every four years thereafter, there shall be elected by the qualified electors of the State, a Superintendent of Public Instruction, who shall hold his office for the term of four years, and until his successor is duly elected and qualified. In case of vacancy in the office of Superintendent of Public Instruction, it shall be filled by appointment of the Governor, to be confirmed by the Senate, until the next general election.

SEC. 2. Before entering upon his duties, he shall take and subscribe the oath of office prescribed by the Constitution, and shall also execute a bond in the penalty of fifty thousand dollars, payable to the State of Texas, with securities to be approved by the Governor, conditioned for the prompt discharge of his duties as Superintendent of Public Instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands, or be subject to his order by virtue of his office; said bond and oath shall be deposited with the Secretary of State, and an action may be maintained thereon by the State at any time for a breach of the conditions thereof, and said superintendent shall be subject to impeachment, trial, punishment and removal from office as other State officers. He shall also be removed by the Governor on the address of two-thirds of the members elected to each house of the Legislature, for the same causes and in the same mode as affect judges of the Supreme and District Courts.

SEC. 3. It shall be his duty to keep an office at the seat of government of the State, in some of the public buildings belonging thereto, and to file all papers, reports and public documents transmitted to him by the school officers of the several counties each year, separately, and to keep and preserve all the public documents, books and papers relative to schools, coming into his hands as Superintendent of Public Instruction, and to hold the same in readiness to be exhibited to the Governor, or to any committee of either house of the Legislature, and shall keep a fair and correct record of all matters pertaining to the business of his office, and shall turn over to his successor said office, together

with all the records, books, archives, and documents that have come into his possession.

SEC. 4. He shall counsel and advise, in such manner as he may deem advisable, with experienced and practical school teachers, as to the best manner of conducting public free schools.

SEC. 5. Said Superintendent of Public Instruction shall have the supervision of all the public free schools in the State, and shall be the general adviser and assistant of county superintendents of schools in this State. He shall, from time to time, as he shall deem for the interest of schools, address circular letters to said county superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, examining and procuring competent teachers.

SEC. 6. The Superintendent of Public Instruction shall, on or before the first day of December preceding each regular session of the Legislature, report to the Governor the condition of the schools in the several counties of the State, the whole number of the schools which have been taught in each county in the current year, the number of pupils in attendance at said schools, the number of persons in each county over six and under eighteen years of age, the amount of interest of the public school fund and of the county fund annually paid out, the amount raised by an *ad valorem* tax, the whole amount annually expended for schools, the number of school houses, their kind and condition, the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the State, which report shall be laid before the Legislature the first week of each regular session. Whenever said reports are ordered published the State Printer shall furnish two thousand (2000) pamphlet copies, and deliver them to the Superintendent of Public Instruction, who shall deposit twenty copies in the State Library, furnish one copy to each county superintendent, to be held by him as public property, and delivered to his successor in office; one copy shall be sent to the State Library of each State and Territory, and the remaining copies be sent to the boards of

school directors of each county for distribution among the trustees and teachers.

SEC. 7. The Superintendent of Public Instruction shall furnish to the county superintendent all forms, blanks, etc., as he shall deem necessary in making reports, and for any other uses of the public free schools, including certificates for teachers. He shall also cause to be printed by the State Printer, in pamphlet form, all school laws, regulations, and forms for making reports, etc., for distribution to the county superintendents, teachers, and trustees.

SEC. 8. Said Superintendent of Public Instruction shall have power to direct and cause the county superintendents of any county, directors, or other school officers, to withhold from any officer or teacher any part of the public school or other school fund, until such officer or teacher shall have made all schedules, reports and returns required of him by this act, and until officer shall have executed and filed all official bonds, and accounted for all public school or other school funds which have come into his hands, as required of him by this act.

SEC. 9. It shall be the duty of the Superintendent of Public Instruction, upon the receipt of the reports of the State Comptroller, as required in this act, to apportion to the counties the amount of the school fund to be apportioned to each county, and furnish an abstract of such apportionment to each county treasurer, county superintendent and the State Comptroller, and shall draw his order on the Comptroller, in favor of each county treasurer, for the amount of school fund to which each county is entitled, and shall take each treasurer's receipt for the same.

SEC. 10. The Superintendent of Public Instruction shall perform all other duties required of him by the Constitution, and shall receive an annual salary of three thousand dollars (\$3000), and all necessary contingent expenses for books, postage, and stationery pertaining to his office. He shall be allowed one clerk, at a salary of one thousand eight hundred dollars (\$1800) per annum.

SEC. 11. (Omitted).

SEC. 12. (Omitted).

SEC. 13. At the first general election, and every four years thereafter, there shall be elected in each and every county in the

State, five school directors, one of whom shall reside in each magistrate's precinct, who shall hold their offices until their successors are elected, and they shall constitute the county board of school directors; and should a vacancy occur in said board of directors, it may be filled by election. They shall elect from themselves a president, and the sessions of said board shall be at the county seat, and he shall be *ex-officio* county superintendent of public instruction; and the county boards of directors, now acting in the several counties, shall perform the duties of the county boards of directors provided for in this section, until the first general election; and where such school directors have resigned, or declined to serve, the County Court shall appoint their successors until the next general election, one to reside in each magistrate's precinct, as required by this act.

SEC. 14. The county board of directors shall divide their respective counties into school districts of convenient size, and number the same, and they shall so arrange them that every school district shall be wholly within some one magistrate's; and said county board of directors shall order elections in each school district, for a board of school trustees, as hereinafter provided.

SEC. 15. On the last Saturday of each month, the county superintendent shall meet all persons desirous of passing an examination for a certificate to teach, in some suitable room provided for that purpose, at the county seat, at which time he shall examine all such applicants as to his or her competency and ability to teach orthography, reading in English, writing, arithmetic, geography, English grammar, history of the United States, practical physiology and the laws of health; and no person shall be entitled to a certificate unless he or she is of good moral character, and is well qualified to teach the above named branches; and as compensation for such service, he shall be allowed to charge each applicant the sum of three (\$3) dollars for such examination.

SEC. 16. On or before the first Monday of November, before each regular session of the Legislature, county superintendents shall communicate to the Superintendent of Public Instruction all such information and statistics upon the subject of schools in their counties, as the said Superintendent of Public Instruction

is bound to embody in his report to the Governor, and such other information as said Superintendent of Public Instruction shall require; and any county superintendent so failing or refusing to report shall be liable to removal by the County Court for such neglect of duty.

SEC. 17. The county superintendent may, when the convenience of the scholastic population requires it, allow such scholastic population to attend the schools in the adjoining districts; and for this purpose may, when necessary, establish schools near the line of adjoining districts, for the benefit of the scholastic population living remote from the schools in their respective districts; *provided*, that any parent or guardian shall have the right to send his, her, or their child or children to any school in any other district or county than that in which such parent or guardian may reside, and shall be entitled to the same school fund to which he, she or they are entitled in the district or county of their residence; and the transfer of such child or children, as above authorized, shall not change the place of their enumeration.

SEC. 18. County boards of directors shall define the course of study in the public schools in their respective counties, and direct the class and kind of school books and apparatus to be used therein; and shall prescribe the duties of the trustees and teachers, not inconsistent with the Constitution and laws of the State and United States.

SEC. 19. The county board of directors may be called together by the president of the board whenever there is business for said board, and they shall be allowed four dollars each per day for every whole day so employed; *provided*, that the whole number of days so employed during the first year shall not exceed twenty days; and thereafter they shall not be so employed exceeding ten days in any one year; and the county superintendent shall be allowed four dollars per day for every whole day actually employed as county superintendent, other than examining teachers; *provided*, that he shall not receive such pay for over thirty days in any one year. Accounts of county superintendents and school directors for services rendered, shall be itemized and sworn to by the party interested, and shall be paid by the county treasurer, upon the order or warrant of the Superintendent of Public In-

struction, out of the public school fund appropriated to the county.

SEC. 20. On the first Tuesday of September of each year there shall be elected, by the qualified voters in each school district in the State, three trustees, who shall hold their office for one year, and until their successors are elected and qualified. Ten days' notice of the election for trustees shall be given, which notice shall be posted in at least three public places in the district, and shall specify the place where the election is to be held, and the time of opening and closing the polls; and said election shall be held between ten o'clock A. M. and four o'clock P. M. Should no election be held, or should there be a vacancy for any cause, the county board of directors shall appoint the trustees until the next election; said three trustees shall constitute the board of trustees for the school district, and shall select from themselves a president.

SEC. 21. (Omitted).

SEC. 22. The board of school directors of each county shall require of the trustees of each school district, immediately after their election, to take the scholastic population of the district, making separate lists of the white and colored children. Said board shall also require said trustees to provide the necessary schools and school houses for the scholastic population of the respective districts, separating the children, and so arranging the schools and school houses that good order, peace and harmony may be maintained in the schools. Said trustees shall employ competent teachers for all the schools in their respective districts, and see that the schools are taught and properly conducted for at least four months in the year; *provided*, the free schools may continue for a longer period than four months, if the amount of the school fund is sufficient, or if the citizens of the district, or sub-district, by payment of tuition or subscription, will supply the deficiency; and if the income derived from the public school fund apportioned to the school district shall in any district not be sufficient for this purpose, the board of directors shall levy an *ad valorem* tax upon all taxable property in said district, sufficient to supply the deficiency.

SEC. 23. An *ad valorem* tax for the scholastic year commencing September 1, 1873, of twenty-five cents upon each one hun-

dred dollars of taxable property, is hereby levied for the purpose of building and repairing school houses, which shall be collected in the same manner as other taxes are collected, in the several school districts of the several counties; *provided*, that this tax, or any portion thereof, may be relinquished (before collection) to the tax payers of any district by the board of directors, upon information from the board of trustees of said district that no such tax is necessary; *and provided further*, that the tax herein provided for shall not go into the public school fund, but shall be expended in the district in which it may be collected; *and provided further*, that no district shall be taxed for the building and repairing of school houses situated in any other district; *and provided further*, that this tax shall not be collected in any district wherein no public free school is established or proposed to be established.

SEC. 24. (Omitted).

SEC. 25. No person shall be employed as a teacher in the public schools unless he or she holds a certificate from the county superintendent to the effect that he or she is a person of good moral character, and qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, history of the United States; *provided*, nothing in this act shall be so construed as to prohibit instruction in the German, French, Spanish, or any other language.

SEC. 26. Every teacher of a public free school shall keep a record of the names of students attending school, their age, district in which they live, daily attendance, the names of parents or guardians, and shall make a monthly report on the last Friday in each month of the number of students and daily attendance during that month, and forward it to the county superintendent at the end of the four months required by law to be taught. He or she shall make a report to the county superintendent, embracing all the information required to be kept on his record, including the number of days each student has been present in school; and when the school taught embraces scholastic population from two or more school districts, the teacher shall make a separate report for each school district. He shall teach every day (Saturdays and Sundays excepted) as many as six hours, excluding hours of recreation.

SEC. 27. All the scholastic population of the State shall be required to attend the public free schools at least four months in each year, unless prevented by ill health, feeble physical constitution, or by reason of danger from hostile Indians, or by the prevalence of any contagious or infectious disease. And no child under ten years of age shall be compelled to attend the public free schools, when there is no school established within one mile of the residence of said child, and no child shall be so required unless there is a school within two miles; *provided*, that when any of the scholastic inhabitants may be shown to have received regular instruction for four months in each and every year, from any private teacher having a proper certificate of competency from the county superintendent, or from the president, principal or faculty of any incorporated seminary, college or university in this State, authorized to confer degrees, this shall exempt them from the requirements of this section. But all of the scholastic inhabitants failing to attend the public free schools, except for causes herein specified, shall forfeit their interest in the public school fund for the time they so fail to attend the public schools; *provided*, that the board of trustees of any school district may adopt any private school established in their district when the teachers of such school shall have obtained a certificate of competency, and shall conform to the general regulations of this act.

SEC. 28. The scholastic year shall commence on the first day of September of each year, and end on the thirty-first day of the following August.

SEC. 29. (Omitted).

SEC. 30. The available school fund liable to appropriation for the support of public free schools is hereby declared to be, all interest which has accrued, or may hereafter accrue, to the school fund from railroads or otherwise, since the thirtieth day of March, 1870, one-fourth of all the *ad valorem* and occupation taxes assessed since that date, and such other taxes as have been or may be provided by law for the support of the public free schools, and all sums of money that may come to this State from the sale of any portion of the public domain of the State of Texas. Accounts against this available school fund shall be paid, as hereinafter specified, out of any part of it that may be in the

State or county treasury, on appropriation therefor by the Legislature.

SEC. 31. The Superintendent of Public Instruction shall apportion the public school fund among the several counties according to their respective scholastic population.....

SEC. 32. If the public school fund apportionment to any particular district shall not be sufficient to employ competent teachers for the public school organized in said district for four months in each year, the county board of directors shall levy and collect an *ad valorem* tax upon all the taxable property in said district, as shown by the assessment rolls made out by the justices of the peace or other assessing officer, sufficient to supply the deficiency; and in order that this may be done the justices of the peace, in making their regular assessment of taxes, shall assess the property of the inhabitants of each school district separately.

SEC. 33. (Omitted).

SEC. 34. (Omitted).

SEC. 35. (Omitted).

SEC. 36. (Omitted).

SEC. 37. That when in any school district the provisions of this law are impracticable, by reason of sparsity of population, or danger from Indians, sickness, or other good cause, the amount to which any said district is entitled, out of the general school fund, shall remain in the State treasury to the credit of such district [until] the increase of population, or subsidence of such danger, shall render it practicable to maintain public schools in such district; *provided*, that if during the times of such suspension of the public schools in any district, any portion of the scholastic population thereof shall attend a private or public school they shall be entitled, under the provisions of this act, to receive their *pro rata* portion of such fund; *and provided, further*, that the provision of section twenty-two of this act, requiring the board of directors to levy an *ad valorem* tax shall not apply to such district, while public schools are suspended therein from such cause.

SEC. 38. That in any case where it may become desirable in any school district to have a high school taught, any principal of such high school shall have the privilege of blending the free

school with the private school, by the consent of a majority of the trustees of the former, said principal agreeing and contracting with said trustees to teach the children within the scholastic age, and said principal shall have the right to receive into his school and instruct any number of students who are over the scholastic age, at such rates or [of] tuition as he may prescribe, and his patrons consent to pay, to the end that high schools may be established, with authority to confer degrees, or give certificates of merit and scholarship; *provided*, said high school shall be under the control and supervision of the county board of directors.

SEC. 39. That this act shall take effect and be in force from and after its passage.

Passed April 30, 1873.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the second day of May, A. D. 1873, and returned by him to the house in which it originated, with his objections thereto, and was passed by a two-thirds vote by both houses of the Legislature, and returned to the office of the Secretary of State on the twenty-third day of May, 1873.—JAMES P. NEWCOMB, Secretary of State.]¹

AN ACT TO AUTHORIZE THE CITIES OF TEXAS TO
MAINTAIN PUBLIC SCHOOLS.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the several incorporated cities in the State, be and are hereby authorized to assume control of the public schools within their limits, to build school houses, and provide for the gratuitous education of all children therein, for such time as their constituted authorities may deem expedient.

SEC. 2. Any incorporated city that may undertake to provide for the gratuitous education of all the children of scholastic age, within its limits, shall be omitted from the school districting county, and shall be permitted to district the population within its limits, as by its constituted authorities may be deemed best.

¹*General Laws of the State of Texas, passed at the Session of the Thirteenth Legislature begun and held at the City of Austin, January 14, 1873, 84-95.*

SEC. 3. When any such incorporated city so assumes the control of the public education within its limits, the county board of school directors may, when it is deemed expedient, re-district the territory left under their control, to suit the changed relations of the scholastic population.

SEC. 4. Schools so organized and provided for by such incorporated cities, shall be subject to the general laws of the State as to public education, and be under the supervision of the department of education, in like manner as all other public schools in the State.

SEC. 5. When such incorporated cities shall, in good faith, so assume the management and provision of the public schools within their limits, they shall receive such a share of the public school funds, as they may be so entitled to pro rata as to their scholastic population under the scholastic census.

SEC. 6. Such additional amounts as they may deem proper to raise for the purpose of sustaining such schools, shall be levied upon the taxable property in said city, in accordance with their usual city assessment of taxes for municipal purposes, not to exceed one-fourth of one per cent. in addition to the tax allowed to be levied by the general law.

SEC. 7. Any city accepting the provisions of this act shall notify the county superintendent of the county, and the Superintendent of Public Instruction of its action, by sending them a certified copy of the resolutions of the city council by which such acceptance is made.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 15th, 1875.¹

CIRCULAR

TO THE DEMOCRACY OF BASTROP COUNTY AND VOTERS GENERALLY

FELLOW-CITIZENS:—

In order to correct the misrepresentations that have been purposely prepared and industriously circulated by the Radical press and candidates throughout the entire State, the undersigned have been appointed by the Democratic Executive Com-

¹Gammel's *Laws of Texas*, Vol. 8 (533-534).

mittee of Bastrop County to collate and present, for your consideration, such facts as will illustrate the true character of the present political contest, and will enable you to correctly determine which of the two parties is the better entitled to your suffrages. As an accomplishment, in part, of the duties assigned us, we submit the following:

.....

III

SCHOOL LAW

But it is upon the repeal of the school law of 1871 that the Radicals hope to carry the coming election. In order to convince the candid mind of the wisdom of the 13th Legislature in securing the repeal of this law, it will be necessary to recall only a few of its principal features:

1st. *Its Extravagance.* Though at least \$2,500,000 of the one per cent tax had been levied and collected, and the additional sum of \$488,535.71, arising from other sources had been consumed, and the further sum of \$450,000 had been appropriated by the last Legislature to make up the supposed deficiency of 1872, being in all \$3,434,535.71, yet the 13th Legislature has been charged by the Radical organ at Austin with failing, by \$500,000, to appropriate enough to pay the teachers of 1872, and that the latter amount, in addition to all other appropriations, is still necessary in order to balance the school accounts of 1871. You may ask how it was possible for those in charge of the educational department to have spent so much money and to so little a purpose? The 12th Legislature provided for the appointment of twelve supervisors at a cost of \$24,000 annually—and also authorized the appointment of five school Directors for each county. These, together with the Board of Education, consisting of the Governor, Attorney General and Superintendent—were all the officers which that law contemplated, yet the Board of Education, without the authority of law, divided the State into seventy-seven Districts, and appointed an Inspector for each District at a salary of \$125 per month—their aggregate salaries being \$9,625 per month. (See Superintendent's report for 1872).

The Board of Education also appointed a Board of Examiners and caused them to be paid \$10,912.10, and also authorized the payment of four dollars per day to each member of the Board of Directors for two days in each month. In addition to this, you paid \$31,954.52 to the employees in the office of the Superintendent at Austin for the years 1871 and 1872; also to the superintendent, in addition to his salary, \$1191 for his traveling expenses in '72; \$1,178.76 for his office furniture; \$1106.80 for postage; \$469.77 telegraphing; \$15,566.15 for printing and blanks; \$211.40 incidental expenses.

The Treasurer of each Board of School Directors was authorized by this same Board of Education to retain four per cent on all disbursements up to \$20,000.

2nd. *Despotism.* By reference to the laws of 1870 and 1871 you will perceive that they are very brief, and concentrate a vast power in the Governor, Attorney General and Superintendent. Under these laws, these officials assumed extraordinary powers—such as are never conferred upon officials in free governments. The powers to create offices, to make appointments, fix their salaries, to provide for the assessment of taxes, their levy, collections and disbursements, are sovereign in their character. That the Board of Education did all these things, there is no sort of doubt. You have but to refer to the Report of the Superintendent for 1872, and there read for yourselves, what we are attempting to briefly lay before you.—But this is not all. We copy from the Rules and Regulations adopted by this Board, and which was not revoked until the entire system was done away with by the 13th Legislature, the following:

“Rule 20—Principals of schools, colleges, etc., shall subscribe to the following oath of office: “I do solemnly swear (or affirm) that I will honestly and faithfully support the constitution and laws of the United States, and of the State of Texas; that I will endeavor to inculcate in the minds of youths, sentiments of patriotism and loyalty to the government of the United States and of the State of Texas, and will fully, faithfully and impartially perform the duties of a principal to the best of my ability, so help me God.” The said oath to be forwarded to the office of the Superintendent.”

Is it necessary for us to comment upon the extraordinary, il-

legal and despotic conduct of the highest offices of the State government in matters of education? We are reminded of the administration of Laud, Strafford and Finch of England in the reign of Charles I. History informs us that these men were driven from power, banished and executed by an outraged people for their arbitrary and despotic attempts upon their liberties, and well would it be for the country, if Davis, Alexander and DeGress could meet with similar fates. But Davis was truer to his creatures than was Charles I. For the latter gave them up when attacked by Parliament, while Davis vetoed the bill passed by the 13th Legislature requiring Boards of Directors to settle with the county courts, so as to enable the people to recover back their illegally disbursed moneys—assigning as a reason for his veto, “that it would stir up bad blood and create litigation.”

3rd. *Favoritism.* It cannot be denied that the grossest favoritism was exercised not only by the Superintendent himself, but also by his subordinates, for which the law afforded the most ample opportunity. Take your own county as an instance. By reference to the report of the Board of Directors, on file at the Superintendent's office at Austin, you will discover that \$3,925.50 as purchase money, \$154.83 for repairs, \$1,425.50 besides cost of transportation, for desks, \$66.66 for lightning rods, making in all \$5,572.49, besides expenditures for wood, stoves, etc., amounting to near \$200, were expended upon one school house in the town of Bastrop. The teachers in that building, two in number, received for a considerable period, together \$200 per month,—there being four other white schools with a regular attendance of at least one hundred and thirty pupils in the town at the same time. And when we consider that there are but 293 white children, within the scholastic age in the *entire* portion of Beat No. 1, which lies east of the Colorado river and extending ten miles in length and six or seven in breadth, it would be impossible to believe that the regular attendance upon this single school justified such enormous salaries. Certainly this was not disbursing the public funds with impartiality and justice to all in different portions of the county. From the report of the Superintendent, we learn that \$1552 were expended for furniture in your county and of this \$1,425.50 went into one building, while the price of the house itself consumed at least two-thirds

of the cost of all the buildings, purchased and erected for school purposes. But what was the necessity for these patent desks? Was there not a sufficient number of them that were used by your children (now grown) in other days? Why spend the public money for Yankee inventions when those made by our own mechanics and out of our own pines, would suffice as well? How was it that these teachers received larger salaries than others in the county? Did they hold certificates of the highest grade? Their school could not have been so very large, there being four other white schools in session at the same time, in the town. Do you, fellow citizens, who live in the country endorse such favoritism? The majority of the board of directors, then lived and now reside in the town of Bastrop. By whom were they appointed? The Superintendent of Public Instruction, himself an appointee of Governor Davis, gave them to you. The cost of Public Schools in your county for the ten months ending March 3, 1873 (not including vacation in summer months) was \$27,071.29, besides the percentage allowed the Sheriff for collecting and that of the Treasurer for disbursing. Putting the entire amount at \$29,000 and taking the estimate of average yearly cost of each regular pupil, as reported by the Superintendent, at \$11.63, there should have been in regular attendance in your Public Schools during 1872 at least 2,400 pupils. Were there so many, and if so, of whom did they consist? Were they the children of the honest, hard-working, industrious, economical white men of the country?

4th. *The opportunity for speculation, fraud and illegal disbursement.* Notwithstanding there was no constitutional provision or law providing for the removal or impeachment of the Superintendent, or requiring him to execute bond for the safe-keeping and proper disbursement of the public moneys, yet the 12th Legislature authorized him, and he did in fact draw from the State Treasury sums amounting to \$50,000 and \$75,000 at a time, filing his vouchers, therefor afterwards, often not until several months had transpired after his obtaining the funds.

Now what did he do with this money? With whom was it deposited? Why did he not permit it to remain in the vaults of the treasury, in the custody of a bonded officer charged with the disbursement of public moneys? Is not the inference irresistible

that this irregular and "wholesale" withdrawal of the public funds from the treasury by the superintendent led to the depreciation of teachers' vouchers and delay in their payment? Again, all of the school books, apparatus, slates and patent furniture were purchased from particular establishments in the North. What a splendid opportunity for speculation! Think you that these establishments did not pay a pretty large bonus to DeGress & Co. for their monopolies?

Why not permit our people to go into the market generally and buy from such as would sell cheapest, and why confine the entire trade to a few houses? There are many other reasons why the old law should have been repealed, as sound and convincing as those already suggested, but we must forbear a further expose of the evils of the system. Now, what are the main features of the present school law. Beginning with the superintendent it subjects him to the same penalty as other officers for like offenses; it requires him to execute bond and does not permit him to handle any of the public funds. The employes in his office are limited to two in number and receive moderate salaries. If he desires to make a political canvass he must do so at his own expense. No "pin money" is allowed him. The cost of his correspondence is limited to three hundred dollars, and telegraphing has not been considered a necessity to the success of the schools. The present law does away with the boards of education and of examiners, with supervisors and inspectors, and limits the percentage of the county treasurer to one per cent. upon the money disbursed; it permits you to elect your own trustees and directors, and requires that one director shall live in each precinct; it subdivides the county into districts and apportions the money arising from the State tax according to the scholastic population; it requires each district to build its own houses so that the extravagance of one may not be a burden to the others; it permits you to purchase your books wherever you please and to build such houses as suit you best; it authorizes you to employ such teachers as you may deem most capable.

In a word, it gives you the entire control of your schools. The

system is a good one, and if properly conducted will redound to the benefit of yourselves and your children.

T. C. CAIN,

J. A. HOOPER,

G. A. SCHNEIDER,

J. W. KENNEDY,

Committee.¹

A CANDID CRITICISM

In 1871 a new system of public instruction was adopted in harmony with the central idea of the advocates of centralized power. A skeleton of a system was framed by the Twelfth Legislature, made up of a State Superintendent, thirty-six supervisors, and seven hundred school directors, with legislative power vested in the Board of Education to enact and provide for such rules and regulations as might be found necessary to enforce a system of compulsory education. In the exercise of this arbitrary power, the Board of Education, unmindful of the depressed condition of the people, impoverished by the ravishing hand of war, ordered, without constitutional authority, a levy of a school tax of one per cent., which would have annually ground out of the people, once rich but then poor indeed, \$2,-225,000 . . . It was in vain to expect that a system so much at variance with long established ideas of local self-government, so centralized in its every feature, could command the support and confidence of the people.

Experience early demonstrated its utter unfitness to popular demands—its antagonism to the fundamental principles of government, which had been held by our people through successive generations. Public sentiment speedily demanded its repeal, which was effected by the Thirteenth Legislature, and a new school law was enacted that furnished a striking illustration of the tendency of public opinion to run into extremes. A more liberal participation in the management of school affairs was conceded to local school officers than was compatible with an efficient and economical administration; and strange, too, as it may seem, they were authorized to levy a greater tax than even

¹*The Bastrop Advertiser*, Saturday, November 8, 1873.

one per cent., and in the exercise of their official functions they were above the law and beyond the jurisdiction of the courts. Hence, it may be reasonably inferred that under the operation of such laws the cause of education incurred stubborn opposition which materially impeded its progress to popular favor.¹

¹Hollingsworth, O. N., *History of Public Education in Texas and Material Resources of the State*, 4-5.

CHAPTER VI

RE-ESTABLISHMENT OF PUBLIC SCHOOL SYSTEM

The widespread repugnance to the school system foisted by the Radical regime upon the people of Texas began to gain the upper hand as early as 1873. The school law of that year exhibits several modifications of the system necessitated by the resistance of the conservatives. The full momentum of the storm was finally realized in the Constitutional Convention of 1875. No article before the convention occasioned more acrimonious discussion than that on Education. The conflict of opinions was sharp and varied. Some resisted most stubbornly every suggestion for state support and control of education. Many favored sectarian and private schools and sought to preserve these at all hazards. Some desired the reinstatement of the pauper school system which prevailed prior to the war. The remaining radicals and a few progressive thinkers desired the perpetuation of their discredited organization, or a modification of the system to meet the needs*of the day. Within these groups sharp differences developed in regard to taxation for school purposes, the utilization and investments of school funds, the disposal of school lands, and in regard to many other points.

The result of the convention was the elimination of the radical school system. In its place was a weak compromise with numerous restrictions which have hampered the schools since that time. But, indifferent as the new organization was, schools began to be re-established, first in the towns, and then gradually in the country communities.

After several years, the weaknesses of the constitution became more and more apparent, and efforts were made to bring about a system by voting amendments. In an incredibly short period of time popular opinion was fully turned toward free public Education. This movement was led by O. N. Hollingsworth, Secretary of the State Board of Education and by Governor O. M. Roberts. Among other factors to bring about the revolution in sentiment was the steady influence and financial assistance of the Peabody Educational Board.

In spite of its inherent lacks, the new educational foundation proved to be permanent, and since that date the school system of Texas has not suffered the disrupting occurrences of earlier decades.

This period witnessed the organization of the Agricultural and Mechanical College, the founding of the Sam Houston Normal College for the training of teachers, the starting of the municipal High Schools, the opening of the University of Texas, the Constitutional amendment permitting the division of counties into school districts, and providing for both state and local *ad valorem* taxation for school purposes. In addition to these measures, County Institutes were established, and the Summer Normal for the training of teachers.

COLORED MEN'S CONVENTION, 1873

BRENHAM, July 3 and 4

ADDRESS

We, the undersigned members of the committee on address, do most respectfully, by leave, report as follows:

That we consider one of the prime objects of our assemblage to be the promotion of good feelings between ourselves and our white fellow-citizens of the State, without whose earnest and sincere efforts in cooperation with our own, to effect our elevation, our progress must be slow and constrained, as has been asserted by the ultra Democratic press, and others who desire to estrange us from the kindly feeling of the white inhabitants, that we are unalterably opposed to their interests, and always disposed to support such men and such measures, as result in subjecting them to additional taxation, and the increase of their pecuniary burdens.

Now, we beg leave here to respectfully point out, that if our conduct has in any measure justified these accusations, it is no fault of our own. It must be borne in mind that the mass of the colored people are in a lamentable state of ignorance, the result of that wicked system of bondage, which shut them out from the acquisition of all knowledge of letters and made it a penal offense to teach them to read the Word of God. They must also remember that they have from the day of the acquisition of our liberty set their faces in steadfast opposition to our political, educational and social progress, with a blind spirit of malignant opposition not calculated to inspire us with either confidence or affection. It, therefore, should not excite surprise, still less should it expose us to animadversion, if we have given our confidence and support to men who may have abused it to promote selfish ends, or unworthy purposes—particularly when these men declared them adhesive to those great principles embodied in the recent amendments to the Constitution, and which are the strongest planks in the Republican platform.

Nowwithstanding all that we, the colored people of the State,

have suffered at the hands of our white fellow-citizens, we cherish towards them no animosities, and will hail with satisfaction any manifestation on their part of a disposition to abate their prejudices, and concede to us willingly all those rights and privileges that sweeten the enjoyment of civil life. It becomes our duty here to define clearly what is understood by us as civil rights in contradistinction to social privileges. There is no intelligent man in the State who should not discern, at a glance, that the enemies of the colored men wilfully abuse the public mind when they assert that we are aspirants for social privileges, and are desirous of promoting legislation of a character that will effect it. We certainly are not so foolish as to imagine that any law could be framed that could effect such an object. We know perfectly well that a man's social relations cannot be made by legislative enactments. We have no disposition to intrude ourselves upon them, and would *resent as an indignity any intrusion upon ourselves*. But we do demand our Civil Rights Bill of the Hon. Charles Sumner, and shall agitate the question of their concession with unabated ardor until we can celebrate their acquisition.

We would far prefer to have received these boons as a voluntary offering from our white fellow-citizens. We would be happy if the white men of this State would emulate the example of a portion of their Southern fellow-countrymen in Louisiana, and not wait to have Congressional legislation wring from their reluctant hands what we now would gratefully receive as a generous concession, and which would most emphatically tend to create and strengthen bonds of fraternal feelings.

It is a misfortune for both races that the Southern white men seem determined to leave their colored fellow-citizens nothing to be grateful for, as every right we enjoy has been forced from their grasp, in face of stern opposition and openly expressed hatred. Had even a part we now enjoy been voluntarily conceded, the mass of the colored people would have patiently waited until time and education fitted them for the rest, and many of the evils of legislation, to which the South has been exposed, could have been avoided. With stolid obstinacy they

have clung to their prejudices. Yet we do not despair and feel our duty to ourselves and them render it imperative for us to hold out the olive branch, and express a willingness to cooperate with them in any measure for the advancement of the interests of our State and the welfare of its citizens. We appeal to them to meet us with the free concession of our civil rights in their hands, and will thus become a truly homogeneous people, animated by one common purpose, and that purpose the prosperity of the State.

At all times and under whatever circumstances, imbued with the most kindly feelings for our fellow-citizens, we deny the charge heretofore made that we have met in secret meetings, to war, or in any manner array ourselves against any class or classes of the community. That now, as ever, we are actuated by purely laudable motives in our political conduct, conducting as we believe to the best interests of our State. In order, however, that all feelings or passion hitherto arrayed because of political gatherings, wherein we have participated, may be hereafter dispelled, we invite and request our fellow-citizens throughout the State, to hold and attend their meetings of a public character openly and before all, inasmuch, as to-day armed with the panoply of American citizenship, we need no longer fear malicious opponents in the exercise of our public rights.

“With charity for all, and malice toward none” of our fellow-citizens, we appeal to the law-abiding and honest people of Texas, of whatever political party, to join with us in deprecating the outrages and wrongs perpetrated upon the colored people in various sections of our State, because of our new relations as freemen and citizens, and we ask that all acts of violence towards us, from whatever source, shall be condemned by the public sentiment of the community in such unequivocal terms as that law and order shall be enforced.

We also recommend to our people the acquisition of land and homesteads, and that they do not support for office any man or set of men who are likely to place obstacles in the way of their success in this direction.

We also urgently recommend to them that they refuse to sup-

port for any office whatever any man who is not pledged against repudiation in all its forms. We are not to consider how the State has been brought into debt, or the means by which its obligations were incurred; we only are to consider how we can earliest pay them, and we pledge ourselves to use our humble efforts to the payment of the State obligations, to the last dollar in the treasury, and we will cheerfully submit to any amount of taxation to accomplish that object.

We also express ourselves as being decidedly in favor of internal improvements.

This we also consider an appropriate occasion to disabuse the minds of our fellow-citizens of foreign birth, of the desire that has been attributed to us to lay obstacles in the way of the immigration of their brethren in Europe to this State. We indignantly deny that we cherish any so unworthy or selfish feeling. We look on the Americans as the trustees of this soil for the oppressed of all nations, and we welcome the downtrodden immigrant from wherever he may come with open arms.

We cannot close this address without the strongest expression of our confidence in, and regard for President Grant and reiterate our thanks to him for his efforts to ameliorate our condition and obtain our civil rights.

We also express our confidence in the Federal government and reaffirm our allegiance to the National Republican party.

In conclusion we tender our grateful thanks to Chas. Sumner for his constant and unwearied efforts for our acquisition of civil rights, and earnestly trust that his existence be so prolonged to win the completed result of his lifelong labors. And we confidently hope and believe that our future will justify his past.¹

GERMAN CONVENTION, 1873

AUSTIN, August 7 and 8

Early in July, 1873, a call for a convention of German-speaking citizens was published in the *Staats Zeitung* of Austin. It was signed

¹Winkler, E. W., *Platforms of Political Parties in Texas*, 148-151; *Daily State Journal* (Austin), July 5 and 9, 1873.

by men of all shades of political opinion, and stated the object of the meeting to be "a free discussion of the political situation, an open expression of our wishes, a definition of our relations to the political parties, and a union on one platform for which we intend to work at the next election." Between forty and fifty delegates attended.

.....

An die deutsch-amerikanischen Buerger von Texas:

Wir, die in Convention in Austin versammelten Deutschen, haben uns in unsrer Eigenschaft als Buerger dieses Landes zusammengefunden, um uns ueber die politische Lage des Staates zu besprechen. Wir thun dies, weil die uns Allen verstaendliche deutsche Sprache eine bessere Verstaendigung ermoeeglicht und weil wir in den ueblichen County Conventtionen als eine Minoritaet nicht zum vollen Ausdruck unserer Ansichten gelangen koennen. Wir empfehlen daher die nachfolgenden Grundsaeetze unseren deutsch-amerikanischen Mitbuergern als eine Richtschnur fuer ihr ferneres politisches Verhalten:

1. Wir verlangen ein liberales Freischul System, weiches den vernuenftigen Anspruechen aller Buerger entspricht.¹

REPUBLICAN STATE CONVENTION, 1873

DALLAS, August 19 and 20

In June Chairman J. G. Tracy, of the State executive committee, issued a call for a State convention. The call fixed the basis of representation. It set forth the issues upon which it was expected to gain the victory. It foreshadowed the fierce political campaign about to be initiated. About five hundred and fifty delegates attended. Eighty-four counties were represented. It was not a "nigger" convention, reported the official organ, but was composed of all classes of the people in proper proportion.

PLATFORM

We, the Republicans of Texas, this 20th day of August, 1873, make the following declaration of principles:

Resolved,

¹*Ibid.*, 151-154; *Die Woechentliche Texas Post (Galveston)*, August 10, 1873.

.....

2. We are earnestly in favor of the establishment and maintenance of a system of public free schools such as is imperatively required by article 9 of our State constitution, and of such improvements as experience has shown to be desirable, and we strongly condemn the practical abolition by the thirteenth legislature of the system that was in operation.¹

DEMOCRATIC STATE CONVENTION, 1873

AUSTIN, September 3-5

The call for the State convention was issued July 14, 1873. It was a long document, entering in detail into the recent accomplishments of the party and surveying what still remained to be done. The attendance exceeded the capacity of the Hall of Representatives, which contained seven hundred chairs for the exclusive use of delegates. The basis of representation adopted by the convention provided that each county represented be entitled to one vote for each hundred votes cast for the Democratic candidate for Congress, either at the election in November, 1871, or October, 1872, taking the maximum vote, and one vote for each fraction of twenty-five votes or more; provided each county shall be entitled to one vote. The platform was adopted before making nominations.

PLATFORM

We, the Democracy of Texas, in convention assembled, relying on the virtue and intelligence of the people, again declare our principles and policy, and ask for them the popular approval.

1. We declare our adhesion to the time-honored principles of the Democratic party; our devotion to popular liberty regulated by law; and to constitutional government simple in machinery, and to be administered with the strictest economy.

2. We congratulate the people of Texas on the repeal by the thirteenth legislature of a number of the oppressive, odious, and unconstitutional acts, passed by the twelfth legislature, in pursuance of the Radical policy to overthrow the government of the people; and among which acts were:

.....

¹*Ibid.*, 154-157; *Daily State Journal* (Austin), July 19 and 20, 1873.

(5) The act relating to public free schools, which, among other bad features, provided the means of enabling public officials to speculate in school books, in the building and furniture of school houses, in the salaries of teachers, and furnished high salaries for a large and useless number of officers, which gave the Radical party the means to pay their political missionaries who traveled for Radical purposes and frauds from one end of the State to the other.

.....

5. The school fund, sacredly set apart for the education of the children of the State, has, under the operation of the misrule of the party in power, been plundered by speculation, squandered, and perverted to political purposes. The Democratic party, through us, reaffirms its past opinion and the policy it has ever pursued, that it is the bounden duty of the State to maintain an efficient system of free common schools, and secure the means of a common education to every child in the State; and we advocate the gradual sale of the alternate sections of land belonging to the common school fund, as also of the asylum and university lands, under such restrictions as will secure the funds arising therefrom to the purposes for which they were intended, and giving in such sales proper preferences to actual settlers in good faith thereon.¹

MESSAGE OF THE GOVERNOR

EXECUTIVE OFFICE,

AUSTIN, JANUARY 26, 1874.

Gentlemen of the Senate and House of Representatives:

.....

EDUCATION

I commend to your especial consideration our system of public free schools, and the necessity of bringing it to such perfection

¹*Ibid.*, 157-163; *Minutes of the Democratic State Convention of the State of Texas; Held at the City of Austin, September 3, 4 and 5, 1873*, 40.

that the children of the State may realize the benefits contemplated therefrom by the fathers of Texas.

The present law upon this subject, passed by your immediate predecessors, has not been on trial sufficiently long to justify a conclusion as to its sufficiency in meeting the requirements of the times. While an examination of its provisions may disclose some defects requiring action at your hands, it occurs to me that in the main it was a salutary enactment, and that its efficient execution will demonstrate the wisdom of its framers. It certainly brings the machinery of the system home to the people themselves, and places the offices thereof directly under their supervision and accountable to them.

I have full confidence that this admirable feature can be preserved, along with proper efficiency, and we should bend our efforts to this consummation. We must have common schools fully adequate to the wants and requirements of the State. At the same time we must remember that a proper system is of slow growth—to be amended and developed according to the dictates of experience and the state of our available resources. In this connection I respectfully call to your attention the necessity of utilizing, in some manner, the magnificent school fund of our State, and of placing it in such condition that an annual revenue may arise therefrom, sufficient for all practical purposes, without the necessity of resorting to taxation.

The demand for education in our State is urgent and pressing, and we should begin to utilize every source of revenue in our reach for this purpose.

The children of the present generation are as much entitled to the benefits of public education as those who may come after them, and I cannot see the practical wisdom of keeping the almost entire school fund of the State locked up and lying dormant in unproductive lands, many thousands of acres of which are in settled counties, retarding each day their proper growth and development.

These lands are of three classes, to-wit: First, university lands; second, the alternate sections of the public domain; and third, the school lands belonging, at least originally, to the several counties.

As to the power of control and disposal of the first two classes by the State, there can be no question; with regard to the third class there would seem to be some doubt.

I recommend to your honorable bodies a critical examination of the latter question, and what authority, if any, the State can constitutionally exercise over this species of property. If the control thereof remains with the State, then I recommend that some system be devised for the gradual sale of this class of lands to actual settlers only, for full value, upon long time, and upon proper interest, payable annually.

Provision should be made for the proper investment of the principal as paid in, and the application of the interest in such manner as may be legal and proper.

One of the greatest and most pressing wants which, more than any other, impedes the successful operation of our free school system is a sufficient number of educated and trained teachers. Without these no system of public education can be a success. I earnestly recommend, in view of the urgent necessity, that your honorable bodies take measures looking to an early establishment, upon a liberal scale, of a normal school for the education and training of teachers to conduct and carry on our common free schools.

It is believed that an institution of this character is absolutely necessary to a successful prosecution of a general system of free schools, and that they are to be found in every State where such a system has attained any degree of excellence.

I regret that I have no data before me as to the present state of the public schools in Texas. There is no report in this office from the Superintendent of Public Instruction, but so soon as a report from that office is laid before me I will communicate it at once to your honorable bodies.

.....

Very respectfully,
RICHARD COKE.¹

¹Message from the Governor of Texas to the Fourteenth Legislature, with Accompanying Documents from Heads of Departments, 1874, 10-12; Moreland, Sinclair (Ed.) *Governor's Messages, Coke to Ross*, 20-21.

MESSAGE OF THE GOVERNOR

EXECUTIVE OFFICE, STATE OF TEXAS.

AUSTIN, January, 1875.

*To the Hon. Senate and Houses of Representatives of Texas, in
Legislature assembled:*

.....

PUBLIC EDUCATION

The organization of a system of Public Free Schools, which shall be adequate to the educational wants of Texas, and at the same time, within the ability of the people to maintain, is a work of greater and more over-shadowing importance and of greater difficulty than any other that the Government is called on to perform. The partial failure of the effort, now being made, in this direction is attributable to several very natural causes, not the least of which are, the shackles imposed by the Constitution upon efforts at amendment of the system, and the unwillingness, if not the ability of the people to bear the burden which a thorough system of public education necessarily imposes upon them. As a thorough system of public education is second in importance to no measure of policy effecting the public interest, it at the same time involves a larger expenditure of money, than any other, in fact than all others combined in the ordinary administration of the government. The benefits of such a system are of transcendent importance in the material growth and the political and moral health of the State, and the cost of it, bears some proportion to its advantages. Many who complain of the inefficiency of our system, and the shortness of the scholastic term, are not aware of the money necessary to efficiency, and for a six or ten months term, instead of four months. The Constitution fixes the scholastic ages at from six to eighteen. The population embraced within these ages in Texas, now, is three hundred and thirteen thousand and sixty-one, it is believed that the increase from immigration and other causes will run this figure up to four hundred thousand, within the present year. Of those within the scholastic age, one hundred and sixty-one

thousand, six hundred and seventy have been enrolled in the public schools, during the past year. The average cost per *capita* of these, is one dollar and fifty-six cents per month, or six dollars and twenty-four cents per term of four months, making an aggregate of one million and eight thousand, eight hundred and twenty dollars and eighty cents, which is about two hundred thousand dollars more than is needed to pay all the ordinary expenses of the State government. An eight months term, of course, would cost double that amount, nearly one per cent. on the taxable values of the State. While such is the case, the entire income from the permanent school fund, the one-fourth of the *ad valorem* State tax and the poll tax for the past fiscal year was five hundred and forty-six thousand, nine hundred and eighty-five dollars. The usual proportion of the scholastic population enrolled which attends school, is a little more than one-half in sparsely settled States, the average of attendance increasing in proportion as the country is more thickly settled. In Texas, if our public schools were well organized and operated, the proportion in attendance would therefore probably be about two hundred thousand of a scholastic population of four hundred thousand, which at six dollars and twenty-four cents *per capita*, would cost one million, two hundred and forty-eight thousand dollars for a four months' term, an amount nearly equalling all the taxes collected by the State for all purposes at this time. The income from the permanent school fund, and other State sources for the last fiscal year, falls so far short, even with the present limited attendance on the public schools as to leave a heavy deficiency to be raised by county taxation.

General public education costs money, and cannot be had without it, and the people must be willing to pay for it, before a system can be established, which will give satisfaction and meet the requirements of the State. When the operations of the public free school system of Texas are compared with those of other States, it must be borne in mind that we are beginners, seeking that which is best, to be successful in finding it, only by trial and experience as other States have been, and it will be well also to bear in mind the cost of a good educational system in other States where such have been established. Michigan with a school population of four hundred and twenty-one thou-

sand, three hundred and twenty-two, spends annually to maintain public schools, three millions, one hundred and forty-eight thousand, eight hundred and eighty-four dollars. Maryland with a school population of two hundred and seventy-six thousand, one hundred and twenty, expends one million, three hundred and fifty-four thousand, and sixty-five dollars. Massachusetts with a school population of two hundred and eighty-seven thousand, expends six millions, two hundred and forty-one thousand, two hundred and thirty-nine dollars. Indiana with a school population of six hundred and thirty-one thousand, five hundred and forty-nine, expends three millions, five hundred and fifty-nine thousand, eight hundred and ninety-seven dollars. Illinois with a school population of nine hundred and nine thousand, eight hundred and twenty-eight, expends nine millions, two hundred and fifty-nine thousand, four hundred and thirty-eight dollars. Colorado Territory, with a school population of fourteen thousand, four hundred and seventeen, expends two hundred and fifty-two thousand, two hundred and ninety-eight dollars. The cost varies very greatly in the different States and Territories, but is heavy in all. It must also be remembered, that in all these States there have been expenditures for school houses, furniture, &c., and in the total of cost per annum given is included as to this item only the cost of repairs, &c. Texas owns no school houses, or comparatively none. Every disadvantage that it is possible to conceive has been labored under, and if money in abundance had been in hand to pay all teachers, the scarcity of really competent teachers, is such as would have presented a very great obstacle to success. But with all the disadvantages under which we have labored, it is gratifying to note the fact that the common free schools of Texas, are being attended now by thirty-two thousand, one hundred and twenty-eight more pupils than at any former period since they went into operation, and in this regard are steadily improving. The question to be solved is, can we establish in Texas a free common school system, the burdens of which the people are able to bear, that will meet the wants of the State. I answer unhesitatingly that we can lay now, broad and deep, the foundation of an educational system for Texas, which, when matured, will not be surpassed by that of the most favored State in the union, which with a proper appreciation of its advantages,

the people will be not only able, but willing to maintain. I speak without reference to the present constitution and laws, but in view of an early and radical change in the former, to be followed by equally thorough changes in the latter. The trouble with the Texas system is that too much is attempted. The scholastic age fixed by the Constitution, from six to eighteen, is too extensive. The range of study is too great; Texas cannot afford to have the classics or the languages taught now in her common free schools; nor can she afford to have all her children, from six to eighteen, in school at once; she cannot procure the services of a sufficient number of competent teachers for either as yet. This system without school houses, a greatly insufficient supply of competent teachers, and with funds utterly inadequate for the purpose, seeks to occupy the entire educational field, to the great injury of individual effort and private enterprise in this line, as well as to the cause of education itself, and has expended in the effort several millions of dollars with results far below what might have been attained if only that which could have been done well, had been attempted, laying at the same time a broad foundation for future expansion. If the scholastic age were reduced from its present figures to embrace all from eight to fifteen, and the course of study to the rudiments of a plain English education, and the term extended to six instead of four months, the number of pupils would be reduced from one-third to one-half, and the salaries of teachers could also be reduced. Under this reduction it is believed that a uniform tax of one-third of one per cent. levied and collected as the State and county taxes are now, in addition to the present general or State revenues, would maintain the system abundantly, pay the teachers, (which is almost our only expense now) regularly, and enable them to work at considerably reduced rates. This would leave, for the present, to private enterprise the higher field of educational effort. It is believed that the people are able and willing to bear the burden of the system thus modified, and that the system will grow naturally with the aids that can be brought to its assistance, until it will cover the entire field of educational labor from the highest to the lowest grade. The great landed endowment of the public schools of Texas, has been hoarded long enough, its treasures should be unlocked to the enjoyment of the

present generation, and to their relief from taxation, and it should be made available for present needs. This it is believed can be done. The alternate sections of land located by railroad companies and other corporations, which have been set apart by law, and dedicated to the common school fund number thirty-six thousand and seventy, equal to twenty-three millions, one hundred thousand acres. Estimating that there are five hundred leagues, equal to two millions, two hundred and fourteen thousand acres of the county lands, which the present Constitution places under the control of the Legislature, to be used for the benefit of the general school fund, about which it may be remarked a question is being made in the courts by some of the counties; of these two hundred and seventy-four leagues have been patented, and fifty leagues located, surveyed, and the field notes returned to the general Land Office, but not yet patented, equal to one million four hundred and thirty-four thousand, six hundred and seventy-two acres, the greater portion of it selected at an early day, and embracing some of the finest and most valuable land in the State; and to this add one-half of the public domain remaining located by virtue of "certificates heretofore issued, as well as those hereafter issued to any railroad company or other corporation of any other nature whatever, for internal improvements or any other object," set apart to the school fund by act of the Legislature of the thirteenth of March, 1873, which is estimated to be certainly not less than thirty-five million acres. These numbers of acres of land, thus constituting the endowment of the common school system of Texas, when footed up aggregate sixty millions, three hundred and fourteen thousand acres. Of this, twenty-four millions, five hundred and thirty-four thousand, six hundred and seventy-two has been selected, surveyed and patented, except about two hundred thousand acres before referred to, the field notes of which are on file in the general Land Office.

Fifty leagues of land, equal to two hundred and twenty-one thousand acres, have been granted and set apart for a university fund. These lands were granted at an early day, selected chiefly in what is now the most prosperous and flourishing part of the State, and are very valuable. How shall this immense fund be utilized, and made available for our present necessities? We

need school houses in which to carry on the system of common schools suggested, plain furniture for them, and an annual fund for repairs. I suggest that we draw on the land endowment for relief from taxation for this purpose. The alternate sections, comprising twenty-three millions, one hundred thousand acres, by act of the Legislature approved April 24, 1874, are now offered for sale at a valuation per acre, to be affixed by commissioners, not less than one dollar and fifty cents, payable one-tenth cash, and the remainder in nine equal annual installments with interest at ten per cent. The county school lands may also be placed in market, and will sell readily at good prices. One million and a half of dollars will build all the school houses necessary, and furnish them; let the State issue her bonds bearing eight per cent. interest, and payable in thirty years, in sufficient amount to raise this sum, predicated on these lands, and devote the proceeds of sale of the lands to payment of interest on the bonds as it accrues, and lay aside also a sufficient per cent. sinking fund to pay the bonds at maturity, the excess of proceeds of sale to be invested in good interest bearing securities, and added to the permanent school fund. The lands will constantly increase in value, and the obligations for which it is sold will increase rapidly by the accrual of interest, and as time advances the permanent fund will augment. As the school fund becomes changed by sales from non-available to available, and is magnified in value, it will become the basis for more extended operations, and the school system may be expanded to embrace wider extremes of scholastic age, longer term if necessary, and higher grades. In the mean time, by using the university fund as a basis, the land being now by act of April 8, 1874, in market and selling rapidly at good prices, money may be raised by the issuance and sale of bonds for the establishment and organization of one or more universities, which, together with the college at Bryan, now nearly ready to go into operation, and which it is hoped your honorable bodies will at this session make an appropriation to complete in all respects immediately, will under proper arrangements and administration, educate teachers to carry on the common schools. I have not the space if it were desirable in this communication to elaborate the details of this proposition, believing it will be found practicable and efficient, it is simply desired to call attention to it. A plan of

this character will be a safe one, and will result ultimately in the establishment of a thorough system, since we will at no time be going beyond our means, and be constantly making a healthy advance toward the desired consummation. The people will learn the value of a public educational system, without being oppressed by it, attempting only what can be well done, their confidence will be won and their judgment convinced, and they will be ready to extend its sphere of usefulness as the ability to do so is increased. We may rest assured, that if the people once understand and appreciate the benefits of public free schools, the system will take care of itself. In the Northern, Eastern and Western States where they have long been accustomed to its burdens, as well as its benefits and blessings, there is no institution which has so twined itself around the affections of the people as this. They will cheerfully submit to taxation to support it, which assessed for any other purpose would drive them to rebellion, and wherever they immigrate in controlling numbers, let their circumstances or condition and that of the country be what it may, they first rear their home alters and next the inevitable free school house. Educational statistics show that these people have carried this institution into every wilderness in the Northwest, and however sparsely settled and forbidding the country, have perseveringly nurtured it into success. The superiority of educated over uneducated labor, in any business or pursuit, from the highest to the lowest, to say nothing of the intelligence so necessary in those who control and direct the government, and of the moral influences equally necessary, which can only come from general public education, forbid any relaxation of our efforts in this direction. There is not a State or Territory in the union, that has not in operation a public free school system, and that is not putting forth its best exertions to maintain and improve it. Shall Texas, young, hopeful, prosperous, mighty and growing in resources, do less? Her dead statesmen and heroes pointing her through the constitutions of '36, and '45, and the princely domain secured by their wisdom for this object, to the path of duty, exhort her to be no laggard in this great race for material, moral and intellectual development and improvement. If she is true to herself, the teachings of her illustrious sages, and the highest demands of the hour, Texas will

press forward over all difficulties with unfaltering step. Your honorable bodies are referred to the able and learned report of Hon. O. N. Hollingsworth, Superintendent of Public Instruction, herewith furnished, for such changes of the present law as he deems necessary, until such organic changes in the system as may be found expedient, can be made. This report is commended to your careful and earnest consideration.¹

.....

AGRICULTURAL AND MECHANICAL COLLEGE

In virtue of an act of Congress of the United States of 1862, and a supplemental act on the same subject of 1866, the State received from the United States as a donation for commencing the foundation of one or more colleges, where the agricultural and mechanical arts should be taught, one hundred and eighty thousand acres of land scrip. This scrip was sold in 1871, by James P. Newcomb, Secretary of State, by authority of Governor Davis, at eighty-seven cents per acre, and the proceeds invested in the seven per cent. gold frontier defense bonds of Texas. The amount realized from the sale of the scrip was one hundred and fifty-six thousand, six hundred dollars, and the bonds purchased amounted to one hundred and seventy-four thousand dollars. These bonds are now in the State Treasury, with interest coupons attached. By the terms of the donation the proceeds of sale of the scrip are to remain a perpetual fund, the interest only to be used, and if within a limited time after the receipt of the scrip, the College is not established in accordance with the conditions attached, the proceeds of sale of the scrip are to be paid back to the United States. Texas accepted the donation with the conditions, and the College building, in process of construction near Bryan, is being built in compliance therewith, for the purposes contemplated in the act of Congress. The report of the Board of Commissioners, who, under the legislation of Texas, are charged with the administration of the finances of this in-

¹*Message from the Governor of Texas to the Fourteenth Legislature, Second Session, 1875, 55-62; Moreland, Sinclair (Ed.) Governors' Messages, Coke to Ross, 115-121; 137-138.*

stitution, and with the supervision and direction of the construction of the College buildings, is herewith submitted for your consideration. It appears from this report that the College edifice is rapidly approaching completion, and that in order to complete it fully, an additional appropriation of seven thousand dollars is necessary. These Commissioners ask an appropriation of twenty-five thousand dollars to erect a boarding hall, twenty-one thousand dollars, to erect three Professors' dwellings, and five thousand dollars, to lay off and fence grounds, make walks, plant trees and erect a barn. I respectfully recommend that these appropriations be made as suggested in this report, being satisfied that they are absolutely essential, and that the appropriation heretofore made is being economically and honestly administered. The College edifice is estimated to have capacity for six hundred students, and from a personal visit to, and examination of the work, I can testify that it is exceedingly well built, of the best material and is a solid and most imposing and handsome structure, modeled with fine taste, and with interior arrangements and divisions admirably suiting it for the purposes for which it is built. It is a four story building, made of brick, on a foundation of hard limestone, and covered with slate, is seventy-eight feet wide, by one hundred and fifty feet long. It is beautifully located, in sight of the Central Railroad, and about four miles from Bryan. It is believed that with the appropriations asked for, by next September, at farthest, the College building, with boarding hall and Professors' houses, all constructed of the most durable material, and in the best style, will be ready for service, with yards and grounds fenced and adorned, and the necessary out-buildings complete.

I hope it will please your honorable bodies to make the necessary appropriations to complete and put in condition for active operations, this, the first State institution of learning in Texas, in order that the College may be put in service certainly next fall, and be assigned and proceed to the performance of its part in the educational system of the State. The money already expended there must be supplemented with the appropriations suggested to utilize it, and I have no hesitation in saying that the entire cost of all the buildings and grounds, is a judicious and profitable expenditure, in that it furnishes the means of supply-

ing immediately in Texas, the great want of an institution of learning of the highest grade.

.....

Very respectfully,

RICH'D COKE.¹

JOURNAL
of the
CONSTITUTIONAL CONVENTION
1875

FOURTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 9, 1875.

.....

Mr. Moore offered the following resolution:

Resolved, That the following shall form a section of the constitution and be a part thereof:

Section —. “The lands granted to the several counties of this State for educational purposes, and known as county school lands, be and are hereby vested in the counties to which they were respectively granted, and said counties are authorized to sell or otherwise dispose of the same, and apply the proceeds thereof to the purposes of said trust.”

Read and referred to the Committee on Counties and County Lands.²

.....

¹*Ibid.*, 80-82.

²*Journal of the Constitutional Convention of the State of Texas, begun and held at the City of Austin, September 6th, 1875, 29.*

FIFTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 10, 1875.

.....

Mr. Brown also offered the following resolution :

Resolved, "Sec. —. That in establishing salaries for teachers, no distinction shall be made in the pay of male and female teachers of the same grade."

Referred to the Committee on Education.¹

.....

Mr. Weaver offered the following resolution :

WHEREAS, Free thought, free speech, and free government, are the growth of general education, and constitute the cardinal principles of constitutional liberty and universal intelligence, and is thus the foe to bigotry, despotism and central political power; that neither intelligence, liberty, nor love of country, can be promoted and upheld in any country without *general education*; and

WHEREAS, The State of Texas has a school fund of lands and revenue amply sufficient to educate the children of the State, of all classes and colors *forever*, without the necessity of *direct* taxation from the people for school purposes; and that the lands set apart for school purposes and the revenues comprising the school fund, are the common property of *every citizen of the State*; therefore be it

Resolved, That this constitution take into its own hands the entire public domain of the State of Texas, together with all the lands heretofore appropriated for school purposes, and fix the price of the same, so as to bring it into market as it can be judiciously done, which public revenue shall go to the support of the public free school of the State, to include all classes of schools, whether universities, academies or common schools, and whether scientific, agricultural, mechanical or literary.

¹*Ibid.*, 41.

Resolved, 2. That this Convention, by proper ordinances, so guard the fund arising from said school revenue as to prevent it from being squandered or appropriated to any other purposes: and thereby securing forever to all the children of this State the greatest wealth of a free country, educated citizens; *and, provided*, that separate free schools shall be established for the education of the negroes.

Referred to Committee on Education.¹

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SIXTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 11, 1875.

.....

Mr. Chambers offered the following resolution:

Resolved, That the following provisions shall be adopted:

“1. All the public lands heretofore appropriated by law to common school purposes, shall be forever held sacred for that purpose, and no Legislature shall ever pass any law to divert it from that purpose.

“2. That the Legislature shall provide by law from time to time for the sale of said lands and for the safe-keeping and disbursement of the proceeds of the sales of the same.”

Referred to Committee on Education.²

.....

Mr. Erhard submitted the following proposition, to make our schools useful, practicable and economical:

Resolved, “1. That the control of the schools shall be left to the management and control of each county and its sub-divided school districts.

“2. That the school patrons in each school district, or separate school, shall choose their own teacher or teachers.

¹*Ibid.*, 45.

²*Ibid.*, 53.

“3. That the scholastic year shall consist of two sessions of twenty weeks each.

“4. That no county shall pay for the building of school houses or benches, much less the State; each community must provide such for itself.

“5. That the patrons of any school shall determine the salary of the teacher or teachers.

“6. That unless otherwise provided for hereafter, each patron, able to pay, shall pay two dollars for each child per month, and that the paying patrons shall select three of their number to determine who are unable to pay.

“7. That the deficiency of the teachers' salary per session shall be paid out of the county treasury, provided a certificate be presented by the teacher, signed by the appointed committee of three of the school in which he is employed.

“8. That the county treasurer shall report such moneys paid out by the County Court, and after a due estimate, the citizens of such school district shall be taxed sufficient to cover said deficiency.

“9. Should there be any public school fund, then the Comptroller of the State shall turn the same over to the several counties *pro rata*, according to the number of scholars in each county, and the county shall put said *pro rata* to the credit on tax rolls to such persons who have paid tuition for their children.

“10. That teachers of freedmen's schools shall be examined by competent persons appointed by the County Court of the county wherein they teach, and if incapable, shall be discharged.

“11. Each county wherein schools exist for colored youths, they shall select three citizens, who shall, as often as they deem best, go and examine that the teachers perform their duties diligently, or to hear the complaints of parents or guardians, and for want, or neglect, or cruel punishment, or immorality, shall discharge said teachers.

“12. There shall be no compulsory education.

“13. All persons between six and twenty-one years of age can avail themselves of school education; *provided*, those who have to be maintained by public taxation shall, after having acquired a knowledge of reading, writing and arithmetic, then

be discharged, so that the public may not be further taxed for them.

“14. That whenever there shall be a sufficient public school fund to pay the tuition of all youths in the State, then no one shall be required to pay or be taxed for tuition, but all other regulations shall continue in force.

“15. There shall be separate schools for the white and colored children.

“16. That the next Legislature select teachers from Austin and other prominent institutions of learning in Texas, and request them to make a report in writing, which they consider the best books for schools, and after considering said reports, the Legislature shall adopt a uniform system of school books for the State of Texas, to be used in all schools, except high colleges or universities; those institutions being independent, may select their own course.

“17. That at a suitable time the Legislature may establish a normal school for the proper training and education of male and female teachers for elementary schools.”

Referred to Committee on Education.¹

.....

Mr. Crawford offered the following resolution:

Resolved, That the Committee on Revenue and Taxation be required to report on the propriety of establishing a perpetual public school fund on the following basis:

1. Apply exclusively the suffrage poll tax of two dollars.
2. Apply from the State revenue an amount not to exceed one-tenth of the same.
3. Apply the interest arising from the present school fund, and such interest as may arise from any fund hereafter created by the sale of school lands, as well as the rent money entire which may arise from the lease of said lands.
4. Authorize any school district which may be created by law to levy a special tax, not to exceed twenty-five cents on the one hundred dollars, for school purposes, provided that said special tax shall not be levied except by the consent of a majority of the voters of said district, who shall represent or own a

¹*Ibid.*, 55-57.

majority of the taxable property in said district, to be ascertained at a public election held for that purpose.

Referred to Committee on Revenue and Taxation.¹

.....

Mr. DeMorse offered the following concerning education:

“Public education being the most reliable safeguard of republican government, it is provided that all grants of land heretofore made for that purpose by the Congress of the Republic and the Legislature of the State shall be preserved for their predestined uses, and that one-tenth of the annual revenue of the State shall be divided between the several counties of the State in proportion to population, to be subdivided among the several school districts according to the number of scholars reported within the ages of eight and fourteen years, and that provision shall be made by law for the division of the several counties into school districts, which through trustees may tax themselves for educational purposes to such an extent as two-thirds of the free-holders of each school district may authorize by annual vote not exceeding one-half of one per cent.; and it is enjoined upon the several Legislatures of the State to carefully consider all practicable schemes for providing a permanent and extended system of public education for as great a portion of each year as may be practicable with reference to population and property, and as a part thereof a special annual poll tax of not less than two dollars *per capita* for educational purposes shall be levied by act of the State Legislature to be added to the annual reservation of one-tenth of the general revenue assigned to school purposes.

Referred to Committee on Education.²

.....

Mr. Arnim offered the following resolution:

Resolved, That in order to establish a uniform system of public free schools throughout the State the Committee on Education be instructed to inquire into the expediency of the State

¹*Ibid.*, 60-61.

²*Ibid.*, 63-64.

reassuming the control of all lands granted to counties for educational purposes; but if such re-assumption of control be deemed injudicious and impracticable, then the amount derived from such counties, from the utilization of their school funds as a yearly revenue, subject to be used for educational purposes, shall be deducted out of the sum appropriated to such counties in the distribution of the revenues derived from the perpetual State school fund.

Resolved further, That no taxes shall be levied or collected in this State for educational purposes, except as a poll-tax.

Referred to Committee on Education.¹

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SEVENTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, September 13, 1875.

.....

Mr. Wade offered the following resolution:

Resolved, That a system of free public schools is essential to the prosperity of a State, and that the lands heretofore set apart for school purposes be utilized under a proper system of lease which will raise a distributive fund for the support of free public schools, and that the title to said land never be permitted to pass from the State.

Referred to Committee on Education.²

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Mr. Lynch offered the following resolution:

Resolved, That the Comptroller of Public Accounts be authorized and instructed to invest all funds belonging to common schools, now in United States bonds, together with amount of

¹*Ibid.*, 65-66.

²*Ibid.*, 79.

cash on hand, in Texas bonds, said amount to be held sacred as part of permanent school fund of this State.

Referred to Committee on Education.¹

.....

Mr. McKinney offered the following resolution:

Resolved, That the title to all lands heretofore donated to the several counties in this State for school purposes shall remain inviolate in the respective counties as a vested right and may be disposed of by the County Court of each county under such rules and regulations as may be prescribed by law, and the proceeds arising from the sale of the same shall belong to the respective counties to which said lands were originally granted, and shall form a permanent school fund belonging to each respective county, which shall be under the control and supervision of the County Court of each county, and shall be loaned only on unincumbered real estate security of double the value of the loan, with personal security in addition thereto; the interest arising from the same shall be an available school fund belonging to the respective county to which said land was originally donated, and may be annually expended for the benefit and support of public free schools in said county, under such rules and regulations as may be prescribed by law.

Referred to Committee on Counties and County Lands.²

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Mr. Whitfield offered the following resolution:

Resolved, That the Superintendent of Public Instruction be requested to furnish to this Convention the scholastic population of the State, the amount of money distributed *per capita* for the year 1875, and the amount of money required to maintain public free schools in this State for four months each year, and the amount due teachers for services already performed.

The resolution was adopted.³

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¹*Ibid.*, 80-81.

²*Ibid.*, 84.

³*Ibid.*, 85.

EIGHTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 14, 1875.

.....

Mr. Smith offered the following resolution :

Resolved, That the Committee on Education be instructed to inquire into the propriety and utility of incorporating in the constitution the following provisions :

“Section —. The Legislature shall establish and maintain a State University as soon as the university fund will permit; also, establish and maintain one school of a high grade of learning, and such primary schools in each county in this State as will insure the gratuitous instruction of all persons in this State within the scholastic age prescribed by law.

“Sec. —. The President of the University shall be the President of the ‘Board of Education,’ and shall have the supervision and control of public instruction throughout the State, in such manner and under such restrictions as the Legislature may prescribe.

“Sec. —. The moneys and lands heretofore granted, or which may hereafter be granted, for the endowment and support of a university, shall constitute a special fund for the endowment and maintenance of said university; and the Legislature shall not have power to appropriate the university fund, nor the interest thereon, for any other purpose than the endowment and support of said university.

“Sec. —. The proceeds arising from the sale or rent of county public school lands shall be expended for the use of public schools in the county to which the lands belong, in such manner as the Legislature may direct.

“Sec. —. All the lands heretofore, or which may hereafter be, set apart by the Legislature for public schools, and all moneys, bonds and other property now belonging to the public school fund, all lands escheated to the State, the net proceeds from sales of estrays, unclaimed dividends or distributive shares of the

estates of deceased persons, or from fines, penalties and forfeitures, all gifts, grants or devises that may hereafter be made to this State, and not otherwise appropriated by the terms of the grant, shall be sacredly preserved as a public school fund and faithfully appropriated in the manner prescribed by law to establish and maintain free public schools in this State, and for no other purpose; *provided*, That the proceeds arising from sales of estrays or from fines, penalties and for forfeitures shall be appropriated in the counties where the sales are made, and the fines and forfeitures are collected.

“Sec. —. The Legislature shall, as soon as the public funds are sufficient, carry into effect the provisions of this constitution by appropriate legislation.”

Referred to Committee on Education.¹

.....

Mr. German offered the following resolution:

Resolved, That the Committee on Education be required to inquire into the propriety of including the lands set apart for the purpose of building two universities and the proceeds of the sale thereof as a part of the permanent school fund for the purpose of keeping up public schools.

Referred to Committee on Education.²

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NINTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 15, 1875.

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The following is the report of the Superintendent of Education, complying with a resolution of the Convention passed on the 13th instant.

¹*Ibid.*, 104-105.
²*Ibid.*, 106-107.

DEPARTMENT OF EDUCATION, STATE OF TEXAS,
AUSTIN, September 14, 1875.

To the Hon. E. B. Pickett, President of the Convention:

SIR—I have the honor to acknowledge the receipt of a resolution passed by the Honorable Convention on the 13th inst., requesting certain information relative to the school affairs of the State, as follows, to wit:

Resolved, That the Superintendent of Public Instruction be requested to furnish this Convention (1) the scholastic population of the State; (2) the amount of money distributed *per capita* for the year 1875; and (3) the amount of money required to maintain public free schools in this State for four months each year; and (4) the amount due teachers for services already performed."

Responding to said resolution, I have the honor to reply as follows, viz:

1. The census of the scholastic population of the State was taken between the dates July 4, 1874, and November 20, 1874, in almost every county. The total scholastic population of counties from which reports were received, and estimates from the best data in this Department for counties from which reports were not received, give in the aggregate three hundred and thirteen thousand and sixty-one children (313,061).

The law requires the census of scholastic population be taken annually, on the first Saturday in July. The census returns, due for 1875, have not all been received at this Department. The number is largely increased over the report of 1874; and we estimate the present scholastic population at three hundred and fifty thousand (350,000).

2. The amount appropriated from the State School Fund for the year ending August 31, 1875, was five hundred thousand dollars (\$500,000), but for convenience in distributing, the sum of \$499,959.05 only was apportioned, which gave, *per capita*, one dollar and fifty-nine cents (\$1.59), to the scholastic population.

3. In response to the third inquiry of the honorable Convention, I beg to suggest that we find some difficulty in answering. Under the law as it now stands the salaries of teachers vary to

an extent that renders it impossible to determine what might be the actual expenses of public schools for four months.

The returns in this Department for the year ending August 31, 1874, show the cost per pupil in the public free schools, as averaged throughout the State, was \$1.56 per month, or \$6.24 for four months. The returns in the aggregate for the scholastic year ending August 31, 1875, show a great variation in the price of tuition *per capita* in the several counties of the State. In counties where there has been proper administration by the local officers, the rate per month for each pupil has not exceeded seventy-eight cents; while in other counties where there was a neglect of public interests and a total disregard to economy, the cost *per capita* has been reported as high as two dollars per month. We are satisfied, however, that throughout the State the cost per pupil for each month in the public free schools, during the scholastic year ending August 31, 1875, has not exceeded one dollar and fifty cents, (\$1.50), or six dollars for four months, *per capita*.

The annual report from the county officers were not due to this department until the close of the scholastic year, August 31, 1875; I am, therefore, unable to give the total cost of that year from actual reports. We may, however, safely estimate that under a proper administration, which can be secured by a wise law, the rate of tuition per month, *per capita*, need not, nor should it exceed in the aggregate \$1.50, giving as the total expense for four months tuition of 350,000 children the sum of two million and sixty thousand dollars (\$2,060,000).

4. I regret my inability to answer, at present, the amount due teachers for services already performed. As heretofore stated, the annual reports from county officers, which contain the data from which that amount will be ascertained, were not due until after the 31st ultimo; I trust, however, that said reports will reach the department in time to furnish the information requested at an early day.

Very respectfully,

O. N. HOLLINGSWORTH,
State Supt. Pub. Inst.

On motion of Mr. Russell, of Wood, two hundred copies of the report was ordered printed.¹

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Mr. Erhard offered the following resolution :

Resolved, That there shall be a General Superintendent of Schools, and the Governor and Secretary of State shall be *ex officio* members of said board.

1. That whenever the State establishes a State University, he shall, with the consent and advice of the Senate, appoint seven Curators.

2. The Legislature shall carefully guard over the University lands, inquire into it whether any are sold; if for cash, how the funds were deposited; if sold on credit, to enforce the payment forthwith, whenever payment is due.

3. Until we have an University the Superintendent shall guard the interest of the University lands; and if any is sold the whole proceeds thereof shall be applied for the use and benefit of the University.

4. If at any time there shall be a surplus fund not needed by the University, then said money shall be invested either in United States bonds or bonds of the State of Texas.

5. The foregoing section shall also apply to funds pertaining and belonging to the public school fund, or the public school fund may be loaned on real estate, to be first appraised by three disinterested persons where the property mortgaged lies, and shall be double the value of the amount loaned out.

6. No public school fund or university fund or funds belonging to either shall in anywise be used for any sectarian institution.

7. That the scholastic year shall begin on the first Monday in October of each year.

8. That each teacher of a public school shall teach at least six hours a day, but the hours to begin or end shall be determined by the patrons of each school district.

Referred to Committee on General Provisions.²

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¹*Ibid.*, 113-115.

²*Ibid.*, 119-120.

TENTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, September 16, 1875.

.....

Mr. Lockett offered the following resolution:

Resolved, That the public free schools of this State shall be taught at least four months during the scholastic year, and that the Legislature shall pass laws to enforce and carry out this provision. *Provided, further*, that the school officers of towns, cities and districts may continue them for a longer period; and that the Directors may levy a tax for the continuance of the same.

Referred to Committee on Public Schools.¹

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ELEVENTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, September 17, 1875.

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Mr. Morris offered the following article:

“ARTICLE —.

“Sec. —. It shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of a system of public free schools for the gratuitous instruction of all the inhabitants of this State between the ages of eight and sixteen years.

Sec. —. There shall be a Superintendent of Public Instruction, who shall be elected by the people. The Superintendent shall hold his office for the term of four years. He shall receive an annual salary of three thousand dollars. In case of vacancy

¹*Ibid.*, 123.

in the office of Superintendent, it shall be filled by appointment of the Governor, until the next general election.

“Sec. —. The Superintendent shall have supervision and control of the public free schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature shall lay off the State into convenient school districts, and shall provide for the formation of a board of school directors in each district. It may give the district board such legislative powers in regard to the schools, school-houses and school fund of the district, as may be deemed necessary and proper. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature such provisions of law as may be found necessary, in the progress of time to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall at each session of the Legislature furnish that body with a complete report of all the free schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either house of the Legislature, it shall be his duty to furnish all information called for in relation to public schools.

Sec. —. The Legislature shall establish a uniform system of public free schools throughout the State.

Sec. —. As a basis for the establishment and endowment of said free schools, all the funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools shall constitute the public school fund; and all sums of money that may come to this State hereafter from the sale of any portion of the public domain of the State of Texas shall also constitute a part of the public school fund; and the Legislature shall appropriate all the proceeds resulting from sales of public lands of said State to such public school fund; and the Legislature shall set apart for the benefit of public schools one-fourth of the annual revenue derivable from general taxation, and shall also cause to be levied and collected an annual poll tax of one dollar on all male persons in the State between the ages of twenty-one and sixty years; also, a tax of two per cent. on the gross earnings of all railroads, steamship

lines and insurance companies of this State; also, all fines collected for carrying concealed weapons and disturbances of the peace; also, all moneys collected for license for selling malt and spirituous liquors, for the benefit of public schools; and said fund and the income derived therefrom and the taxes and other moneys herein provided for school purposes shall be a perpetual fund, to be applied as needed, exclusively for the education of all the scholastic inhabitants of this State, and no law shall ever be made borrowing or appropriating such fund for any other purpose or use whatever.

Sec. —. The Legislature shall, if necessary, in addition to the income derived from the public school fund and from taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxation in the several school districts in the State as will be necessary to provide the necessary school houses in each district and insure the education of all the scholastic inhabitants of the several districts.

Sec. —. The public lands heretofore given to counties shall be under the control of the board of school directors of their respective counties, and shall never be sold except by act of Legislature, four-fifths of the members elected to such Legislature voting in favor of granting such authority: in such case, the proceeds shall become a permanent school fund of the county to which said lands belonged, and to be invested in the bonds of the State of Texas, and the interest shall be used each year toward maintaining the free schools of such county. The board of school directors shall have authority to rent or lease the school lands of their counties, under such regulations as the Legislature may prescribe, and the proceeds to be used as directed in this section; *provided*, that no lease shall run for a longer period than ten years.

Sec. —. The Governor, Attorney General, and Superintendent of Public Instruction shall constitute a board, to be styled the Board of Education, and shall have the general management and control of the perpetual school fund; they shall define the course of studies in the public schools, and direct the class and kind of apparatus and books to be used therein; to prescribe the duties of the boards of school directors, having authority to remove them and appoint others to fill vacancies, and generally

do all things to establish and maintain a system of public free schools for at least four months in each and every year, not inconsistent with the provisions of this constitution, under such regulations as the Legislature may hereafter prescribe.

Sec. —. The Superintendent of Public Instruction, the Comptroller of Public Accounts, and the Commissioner of the General Land Office, shall constitute a board to be styled the Board of Commissioners, they shall have control of all the public land known as the alternate sections, and such other lands, (except the four leagues belonging to each county in the State,) heretofore set apart, or that may hereafter be set apart for the use and benefit of the common schools; they shall be authorized to sell these lands at not less than fifty cents per acre, under such regulations as the Legislature may prescribe, and the title to such lands shall be made in the name of the State of Texas. The Commissioner of the General Land Office shall keep a correct and separate record of all such sales. The Board of Commissioners will on the accumulation of every ten thousand dollars invest the same in the bonds of the State of Texas, and deposit the same with the State Treasurer.

Sec. —. The Legislature shall at its first session, and from time to time thereafter as may be necessary, provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the Legislature to see to it that all the children in the State, within the scholastic age are, without delay, provided with ample means of education. The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic inhabitants of the State, the interest accruing on the school fund and the income derived from taxation for school purposes; and shall from time to time, as may be necessary, invest the principle of the school fund in the bonds of the State of Texas, and the bonds already belonging to the school fund, and those to be hereafter purchased as provided for in this article, are to be declared not to be of doubtful obligation.”

Referred to Committee on Education.¹

¹*Ibid.*, 136-139.

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Mr. Cline offered the following resolutions:

1. A general diffusion of knowledge being essential to the preservation of the liberties of the people, the Legislature shall establish a system of public instruction, and maintain public schools during not less than six months in each year, for the free education of all minor children in this State between the ages of six and eighteen years.

2. The supervision of public instruction shall be vested in a board, composed of the Superintendent of Public Instruction as President, with the Governor, Secretary of State and Attorney General *ex officio*—whose powers and duties shall be defined by law.

3. Every county shall constitute a district, and shall have a district superintendent and board of directors, whose selection, qualifications, powers and duties shall be prescribed by law; *provided*, that a city may become a district, and that several districts may have the same district superintendent.

4. The Board of Public Instruction may remove any district superintendent or director for cause, and fill a vacancy by appointment for the unexpired term.

5. The State free school fund shall consist of all escheats, lands and land certificates and bonds heretofore set apart for public schools, and the income from said fund, together with not less than one-fourth of the revenue of the State, shall be annually appropriated and distributed among the districts and expended for schools.

6. The county school fund shall consist of four leagues of land—granted and to be granted in trust for public schools—and any other vested property in the several counties, and the income from such fund, together with the proceeds from sale of estrays, fines and forfeitures, all tax on dogs, polls and occupations, and not less than one-fourth of the ad valorem taxes on property, shall be annually expended for its schools.

7. The State and county permanent school fund shall be invested in bonds of the United States and bonds of the State of Texas; the county fund may also be invested in first mortgages

on unincumbered real estate in the county—paying taxes on double the value of the loan—together with personal security.

8. No grant shall be made from any public fund to any institution, church or school controlled by any ecclesiastical body, nor in aid of any particular opinions of conscience, creed or church.

Referred to Committee on Education.¹

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FOURTEENTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, September 21, 1875.

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Mr. Johnson, of Collin, offered the following resolution:

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Also the following:

Resolved, That the Committee on Education be instructed to embody the substance of the following propositions in the educational part of the constitution, to wit:

That the school law should be revised so that fewer officers and commissions will have to be paid out of the school fund; that the district trustees should have power to appoint and remove teachers in their districts; that the Board of School Directors be abolished and their duties performed by a county superintendent. That the office of State Superintendent be abolished, and his duties be transferred to the State Treasurer, and that all grants of land heretofore or hereafter to be made by the State Legislature for public school purposes be so guarded by constitutional provision that they can not, under any circumstances, be diverted from their intended objects and purposes.

Referred to Committee on Education.²

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¹*Ibid.*, 142-143.

²*Ibid.*, 185.

TWENTY-SECOND DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 30, 1875.

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Mr. Whitfield, chairman of the Committee on Education made the following report:

COMMITTEE ROOM,
AUSTIN, September 30, 1875.

To the Hon. E. B. Pickett, President of the Convention:

Your Committee on Education, to whom was referred various resolutions, have carefully considered the same, and a majority of the committee instruct me to report the following and recommend its passage:

J. W. WHITFIELD, Chairman.
L. W. MOORE,
WM. NEAL RAMEY,
W. B. WRIGHT,
A. C. GRAVES,
FRAN'S J. LYNCH,
B. ABERNATHY,
GEORGE FLOURNOY,
EDWARD CHAMBERS.

“ARTICLE —.

“EDUCATION.

“Section 1. A general diffusion of knowledge being essential to the preservation of liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

“Sec. 2. All funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants here-

tofore made or that may hereafter be made to railroads or other corporations of any nature whatever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

“Sec. 3. And there shall be set apart annually not more than one-tenth of the annual revenue derivable from taxation for general purposes, and such poll tax as may by law be levied under the provisions of this constitution, which shall also constitute a part of the public school fund.

“Sec. 4. The lands herein set apart to the perpetual school fund shall be sold under such regulations, at such time, and upon such terms as may be prescribed by law, and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sale, and of those heretofore made, in the bonds of this State, if the same can be obtained, otherwise United States bonds, and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained.

“Sec. 5. The principal of all bonds, or other funds, and the principal arising from the sales of lands hereinbefore set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom, and the taxes herein provided, shall be the available school fund, which shall be applied annually to the support of public schools, and no law shall ever be made appropriating any part of the permanent or available school fund to any other purpose whatever, except as hereinafter provided.

“Sec. 6. All public school lands which have been heretofore, or may be hereafter, granted to the various counties of this State for public schools, are of right the property of said counties respectively, to which they are granted, and entitled thereto, and is hereby vested in said counties, subject to the trust created in the grant.

“Sec. 7. As soon as the available school fund may be sufficient, the Legislature shall establish and maintain free public schools throughout the State for a period of not less than four months in each year, and may authorize any county to establish

public schools in such county whenever the available fund apportioned to such county as herein provided, together with the fund realized from the sale of the lands of the county, shall be sufficient to maintain public schools in such county for not less than four months in each year. But until such time the available school fund hereinbefore provided shall be distributed to the several counties of the State according to the scholastic population. The distribution to be made by the Governor, the Comptroller and the Treasurer, who for this duty shall constitute a school board. The fund shall be distributed to the counties and applied in aid of private schools in such mode as the Legislature may provide.

“Sec. 8. All lands heretofore granted for the benefit of the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum and the Orphan Asylum, together with such donations as may have been or may hereafter be made to either of them, are hereby set apart to provide a permanent school fund for the support and maintenance and improvement of said asylums; but the Legislature shall have the power, whenever deemed advisable, to provide for the sale in part or in whole of said lands. The proceeds of said lands when realized, together with all moneys severally donated to such asylums or either of them, shall be invested in bonds of the State of Texas, if obtainable; if not, in bonds of the United States, in such manner as the Legislature shall provide. And the proceeds of the interest thereon shall be a several available fund for each of said asylums, and for no other purpose.

“Sec. 9. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.”

Mr. Stansom, from the same committee, submitted the following minority report:

COMMITTEE ROOM,

AUSTIN, September 30, 1875.

To the Hon. E. B. Pickett, President of the Convention:

The undersigned, members of your Committee on Public Education, beg leave to state that they are unable to concur in the report submitted by the majority of said committee, for the following reasons, viz:

They believe the education of children to be a private duty—devolved upon the parent by God, as is manifest both from the laws of nature and revelation—and to the end that the parent may be enabled to discharge this great duty, the same laws confer on him the right to control his children; and they do not believe that a democratic government can, without violating the great principles of personal freedom and individual right upon which it is founded, either relieve the parent of this duty by laying it upon the shoulders of another, or deprive him of this right by assuming it.

They are unable to see how a government established for the protection of private property can, without subverting the purposes of its creation, take by taxation the private property of a portion of its citizens and apply it to the use of another portion of its citizens, unless it be given in compensation for services rendered the State or for the preservation of life.

They are satisfied that no system of public free schools, which does not enforce the regular attendance at the schools of all the children within the scholastic age, will or can secure the object sought to be attained. And they find it very difficult to discover the right of a free government to impose *public* duties upon those of its citizens who have not attained their majority which it does not even claim the right to impose upon older citizens.

They believe that a system of public education, by passing the control of the children into the hands of the State, and empowering the State to prescribe the qualifications of teachers and the course of instruction, endangers religious liberty—as, in their view, religious liberty implies not only the right of the parent to worship God according to the dictates of his own conscience, but as well his right to direct the religious instruction of his children.

They believe that a system of public education designed to embrace the entire scholastic population of the State and to be supported by taxation, is not adapted to the condition of the people of this State, and that they do not desire such a system.

They believe that the benefits to be derived from any system of public education, even the most perfect, if not altogether valueless, are certainly a very poor compensation for the sacrifice of principle necessary to its adoption by a free people.

They are so far, however, from undervaluing the importance of education, that they deem it the duty of the Convention to make out of the public means at the disposal of the State, the most ample provision for the free tuition of all the indigent orphan children of the State, and prospectively for, at least, the partial instruction of all the children of the State; and this they believe may be accomplished without the violation of any valuable principle by the adoption of the articles herewith respectfully submitted.

R. SANSOM

ASA HOLT

A. J. C. DUNNAM

G. B. COOKE

“ARTICLE —.

“Section 1. To promote the general diffusion of knowledge, the lands heretofore set apart by the Republic or State of Texas, and the moneys, bonds and other property now owned by the State, which have been devoted to the use or support of public free schools, and in addition thereto one-half of the public domain now subject to disposal by the State, shall constitute the basis of a permanent fund, to be called the general educational fund; *provided*, that the title to lands given to the State for the use and benefit of public free schools, shall be surrendered to the donors at their option; but the right of the State to improvements put upon said lands by the State shall not be thereby affected.

“Sec. 2. The Legislature shall provide for the sale of all lands set apart in section one of this article, which have been located, or which may hereafter be located, by railroad or other corporations, and for the sale of all other property therein set apart. And all moneys derived from the sale of the same shall be invested in bonds of the State or of the United States.

“Sec. 3. The interest accruing on the general educational fund shall be distributed annually by the Comptroller of Public Accounts between the respective counties of the State, according to their scholastic population, and shall be distributed as follows: First, to the payment of tuition for four months in each year

of all the indigent orphan children of the State, between the ages of eight and sixteen years. The remainder to be applied, *pro-rata*, to the payment of tuition of all the children of the State within said ages. But the State shall not levy a tax to support a system of public free schools.”

Mr. Cline gave notice that he would submit a separate minority report at a future time.

Mr. Whitfield moved to have two hundred copies of the articles, reported by the majority and minority, printed, and that they be made the special order for Tuesday next at 10 o'clock A. M.

Carried.¹

.....

TWENTY-SIXTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, October 5, 1875.

.....

Pending discussion on the amendment, the hour arrived for the special order, viz: The article on education.

On motion of Mr. Whitfield, the special order was postponed until Friday next at 10 o'clock A. M.²

.....

TWENTY-NINTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, October 8, 1875.

.....

The hour having arrived for consideration of the special order, viz: “Article — Education”—

¹*Ibid.*, 243-247.

²*Ibid.*, 291.

Mr. Dohoney moved to postpone the consideration of the special order to 10 o'clock, Wednesday next.

Lost.

Mr. Flanagan moved to postpone the special order until the pending question was disposed of.

Carried¹

.....

The special order then taken up, viz: "Article —, Education."

On motion of Mr. Brown the Convention adjourned till 2½ o'clock P. M.

EVENING SESSION—2½ O'CLOCK.

Convention met pursuant to adjournment; roll called; quorum present.

Article on Education again taken up.

.....

Mr. Cline, of the Committee on Education, presented the following minority report:

COMMITTEE ROOM,

AUSTIN, October 8, 1875.

To the Hon. E. B. Pickett, President of the Convention:

The undersigned, member of your Committee on Education, has not been able to concur in either of the two reports submitted. He believes the time has now come which the fathers of Texas contemplated when they created our magnificent school fund, for the organization of education in Texas. He, therefore, recommends the adoption of the accompanying ordinance.

Very respectfully submitted,

HENRY CLINE.

ARTICLE —.

"EDUCATION.

"Sec. 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of

¹*Ibid.*, 314-315.

the people, the Legislature shall establish a thorough and efficient system of public instruction, and shall maintain public schools during not less than four months in every year, for the free education of all children in this State between the ages of nine and fifteen years, and other children may attend said schools upon conditions prescribed by law.

“Sec. 2. The supervision of said system and schools shall be vested in the Superintendent of Public Instruction, the Board of Education, County and City Superintendents, and such other officers as may be provided by law.

“Sec. 3. The Superintendent of Public Instruction shall be elected for years, and shall receive an annual salary of \$. . . ., until otherwise provided by law, and shall perform all duties that may be prescribed by law. A vacancy may be filled by appointment for the unexpired term by the Board of Education.

“Sec. 4. The Board of Education shall consist of the Superintendent of Public Instruction, the Governor, Attorney General and Secretary of State, who shall prescribe rules and regulations for the organization and government of the schools, and perform all other duties prescribed by law.

“Sec. 5. County and City Superintendents, and other officers, may be elected or appointed, with such term of office, compensation, powers, and duties as may be prescribed by law. The Board of Education may remove any of such officers for cause, and fill any vacancy by appointment for the unexpired term.

“Sec. 6. All lands, bonds and other property heretofore set apart for schools by the Republic and State of Texas, or that may hereafter be so set apart, and the proceeds from sales of public lands, and the proceeds of escheats, shall constitute the permanent State school fund, and the income from said fund, together with not less than one-fourth of one per cent. tax upon all subjects of general taxation, shall annually be distributed among the several counties and cities, according to their scholastic population.

“Sec. 7. All lands granted or to be granted to the several counties and cities for educational purposes, proceeds from sales of estrays, also other requisitions for such purposes, shall con-

stitute the permanent county or city school fund; and the income from such fund, and all taxes on dogs, polls and occupations, and the annual receipts from the permanent State school fund, together with such tax on other subjects of county or city taxation as may be authorized by law, shall be annually expended for the support and maintenance of free public schools.

“Sec. 8. The moneys that may at any time belong to the permanent fund of the State and of the several counties and cities shall be invested in the bonds of the United States and of the State of Texas.

“Sec. 9. The State and County school lands, also the university and asylum lands, shall be sub-divided into 80 or 160 acre tracts, whereof the alternate tracts may be sold at public auction, under such regulations as may be prescribed by law, and the proceeds invested in United States and Texas State bonds, and the incomes severally applied to the support of said funds and asylums.

“Sec. 10. No grant shall be made from any public fund for the benefit of any institution, church or school controlled by any ecclesiastical body, nor in aid of any particular opinions of conscience, creed or church.

HENRY CLINE.

On motion of Mr. DeMorse, one hundred copies of the report and article were ordered printed.

The article—, “Education,” reported by the majority, taken up.

Mr. Dohoney offered the following amendment:

Add to section 1: “For at least four months in each year, for the free instruction of all the scholastic population between the ages of nine and fifteen years.”

Mr. Russell, of Wood, offered the article reported by the minority of the committee—viz. Messrs. Sansom, Holt, Cooke of San Saba, and Dunnam—as a substitute for the article reported by the majority.

(Mr. Reagan in the chair.)

Mr. Chambers moved to lay Mr. Dohoney’s amendment to section 1 on the table.

Carried by the following vote:

YEAS: Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Burleson, Bruce, Chambers, Cooke of San Saba, Cardis, Douglas, Dillard, DeMorse, Darnell, Davis of Brazos, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Holmes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McKinney, Murphy, Norvell, Nugent, Reagan, Ramey, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Stockdale, Stayton, Sansom, Wade, Weaver, Whitfield—53.

NAYS: Ballinger, Brady, Crawford, Cline, Dohoney, Davis of Wharton, Erhard, Ford, Flanagan, Henry of Smith, King, Lockett, Mitchell, Moore, Nunn, Pauli, Reynolds, Rentfro, Robertson of Bell, Smith, Waelder—21.

On motion of Mr. Dohoney, the Convention adjourned until 9 o'clock A. M. to-morrow.¹

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THIRTIETH DAY
HALL OF REPRESENTATIVES

AUSTIN, TEXAS, October 9, 1875.

.....

The article on "Education" was then taken up, the pending question being the motion of Mr. Russell, of Wood, to substitute the report and article reported by the minority for the article reported by the majority of the committee, it was put, and lost by the following vote:

YEAS—Arnim, Blassingame, Barnett, Burleson, Bruce, Cooke of San Saba, Douglas, Flanagan, German, Holt, Henry of Limestone, Holmes, Killough, Norvell, Robertson of Bell, Russell of Wood, Spikes, Scott, Sansom—19.

NAYS—Allison, Abernathy, Ballinger, Brady, Chambers, Cook of Gonzales, Cooley, DeMorse, Dohoney, Darnell, Davis of Brazos, Davis of Wharton, Ford, Flourney, Fleming, Ferris, Gaither,

¹*Ibid.*, 317-320.

Graves, Johnson of Franklin, Johnson of Collin, Kilgore, Lockett, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, Morris, Mitchell, McKinney of Denton, McCormick, Murphy, Nugent, Pauli, Reagan, Ramey, Rentfro, Ross, Sessions, Smith, Stayton, Wade, Whitehead, Weaver, Whitfield, Waelder—46.

When Mr. Henry's (of Smith) name was called, he stated that he had paired off with Mr. Dunnam, who would vote yea, if present.

Mr. Dohoney offered the following amendment to section 6:

“And the proceeds of these lands, when sold, shall constitute a part of the public school fund of the county to which the land belonged.”

Mr. Scott offered the following amendment:

“The Legislature shall provide for the sale of the county school lands of this State by the county courts, to actual settlers in lots of 80 acres or 160 acres, at a price to be fixed by commissioners, and the actual occupants of said lands shall have the refusal of said lands at the price fixed, and the said lands shall be valued without any regard to any improvements thereon.

[Mr. Stockdale in the chair.]

Mr. Ferris offered the following substitute for the amendment:

Section 6, line 36, after the word “grant” add “provided that such lands shall be sold under such regulations, at such times, and upon such terms, as may be prescribed by law, and proceeds of sale shall inure to their respective counties.”

Mr. Ballinger moved to lay the amendments on the table until the report from the Committee on Counties and County Lands shall have been made.

Mr. Ferris withdrew his substitute, and the other amendments were laid temporarily on the table under Mr. Ballinger's motion.

Mr. Wade offered the following substitute for section 4:

“The lands herein set apart for public school purposes shall be utilized under a system of lease or sale, under such rules and regulations as the Legislature shall establish. The proceeds of all lands sold shall be invested in interest-bearing bonds of this or some other State. All interest accruing upon said bonds, and all money derived from leases, shall be annually distributed, *pro rata*, among the scholastic population of the State.”

Mr. Weaver moved to postpone the subject until Monday

next, 9½ o'clock, and that it be made the special order for that hour.

Carried.¹

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THIRTY-FIRST DAY
HALL OF REPRESENTATIVES
AUSTIN, TEXAS, October 11, 1875.

.....

Mr. King, as chairman of Committee on Counties and County Lands, reported as follows:

COMMITTEE ROOM

AUSTIN, October 8, 1875.

To the Hon. E. B. Pickett, President of the Convention:

Sir—Your Committee on Counties and County Lands, to whom were referred certain resolutions and memorials on the subject of county school lands, have had the same under consideration, and instruct me to report the following provision, which they recommend for adoption as a part of the constitution.

Respectfully,

HENRY C. KING, Chairman.

“All lands heretofore, or hereafter, granted to the several counties of this State, for education or schools, are of right the property of said counties; respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitations shall ever be available against the title of any county. Each county may sell and dispose of its lands, in whole or in part, in manner to be provided by the police court of the county. Actual settlers, now residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlements, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof

¹*Ibid.*, 325-326.

when sold, shall be held by said counties alone, as a trust for the benefit of public schools therein, said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereof to be used and expended annually.

On motion of Mr. Moore, two hundred copies of the report and article were ordered printed.¹

.....

“Article —, Bill of Rights,” taken up.

Pending the reading of the report and article, the hour arrived for the special order, and the same was taken up, viz: “Article —, Education.”

Mr. Sansom withdrew his substitute for section 3, offered on Saturday last, and offered the following as a substitute for the section:

And there shall be set apart annually not more than one-tenth of the annual revenue derivable from taxation for general purposes, and a poll tax not to exceed two dollars for the support of public free schools.

And no person shall be allowed to vote at any election to take place in this State unless he has paid said tax.

On motion of Mr. Johnson, of Collin, laid on the table by the following vote:

YEAS—Abernathy, Arnim, Brown, Blake, Ballinger, Blas-singame, Barnett, Burleson, Brady, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Cardis, Dillard, DeMorse, Darnell, Davis of Brazos, Ford, Flournoy, Ferris, Flanagan, German, Gaither, Henry of Limestone, Johnson of Franklin, Johnson of Collin, Killough, Lockett, Lacy, McLean, Martin of Navarro, Martin of Hunt, Morris, Mitchell, McKinney of Denton, Norvell, Pauli, Ramey, Rentfro, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Smith, Whitehead, Weaver, Waelder—52.

NAYS—Allison, Crawford, Douglas, Dohoney, Erhard, Flem-ing, Graves, Holt, Henry of Smith, Holmes, King, Kilgore, Lynch,

¹*Ibid.*, 327.

McCormick, Moore, Murphy, Nunn, Nugent, Reagan, Robertson of Bell, Stockdale, Stayton, Sansom, Wade, Whitfield, West—26.

The substitute offered by Mr. Wade on Saturday last was then taken up and lost.

Mr. Ballinger offered the following substitute for section 3:

“Sec. 3. The Legislature shall provide for the levy and collection annually of a tax of one-fourth of one per cent. on all the taxable property of this State, or so much of said tax as together with a poll tax of two dollars per annum on each qualified elector in the State, and the other funds provided for school purposes shall be sufficient to educate all the scholastic children specified in this article four months in each year; *and, provided further*, that the payment of such poll tax shall be a condition precedent to the exercise of the right of suffrage in this State.”

Mr. Nugent proposed to amend the substitute as follows:

“Provided that said tax shall only be levied when voted by a majority of the freeholders of the several school districts.”

Lost.

Mr. Kilgore proposed to strike out of the substitute “one-fourth,” and insert “one-eighth.”

Lost.

On motion of Mr. Dohoney the substitute was laid on the table by the following vote:

YEAS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Burleson, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Ford, Flournoy, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Johnson of Franklin, Johnson of Collin, Lacy, McLean, Martin of Navarro, Martin of Hunt, McKinney of Denton, Moore, Norvell, Nugent, Pauli, Ramey, Rentfro, Robertson of Bell, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Sansom, Whitehead, Weaver—49.

NAYS—Ballinger, Brady, Crawford, Cline, Cooley, Davis of Wharton, Erhard, Fleming, Flanagan, Henry of Smith, Holmes, King, Kilgore, Killough, Lockett, Lynch, Morris, Mitchell, Me-

Cormick, Murphy, Nunn, Smith, Stockdale, Stayton, Wade, Whitfield, West, Waelder—29.

The hour having arrived for considering the special order, viz: "Article —, Legislative Department," on motion of Mr. Flournoy it was postponed until Wednesday next at 10 o'clock.

[Mr. Stockdale in chair.]

Consideration of "Article —, Education," resumed.

Mr. Dohoney offered the following substitute for Section 7:

"Section 7. The Governor, Comptroller of Public Accounts and Treasurer shall constitute a public school board, for the sole purpose and with the sole power of annually apportioning and distributing the available public school fund among the several counties according to their respective scholastic population. And if at any time the State fund apportioned to any given county, added to any county fund that may be existing, shall not be sufficient to provide public free schools in said county, for at least four months in the year, for the instruction of all the scholastic population between the ages of nine and fifteen years, the county court of said county shall have the power to supply the deficiency by levying a poll tax of one dollar on every male citizen over twenty-one years of age, to be supplemented by an ad valorem tax upon all the taxable property in the county; *provided*, that said ad valorem tax shall never exceed one-sixth of one per cent.; *and provided further*, that no part of the tax raised in any county shall ever be applied to any other purpose than the payment of teachers in said county."

Mr. DeMorse offered the following as a substitute for the substitute:

"It shall be the duty of the Legislature, by the use of the available school fund including a poll tax of two dollars, which shall be levied for educational purposes, to establish and maintain free public schools for such period of each year as the fund may be sufficient to accomplish, and the Legislature may authorize each school district in every county to levy and collect such tax as the vote of the majority of the freeholders of the district may determine, not exceeding one-fourth of one per cent. The available school fund hereinbefore provided shall be distributed

to the several counties of the State according to scholastic population, the distribution to be made by the Comptroller.”

Additional section to come in as section 8:

“Sec. 8. Each county shall be laid off into school districts by the county commissioners thereof, and one county superintendent, who shall have the examination of teachers, shall be elected by all the qualified electors; and a board of school trustees for each school district shall be elected by the qualified voters of the district.”

Mr. Johnson, of Collin, offered the following amendment to section 7:

Amend by striking out all of said section down to the word “year,” in line 44, and insert “the Legislature shall establish free schools throughout the State as soon as practicable, and shall provide by law that the available school fund herein provided shall be equally distributed among all the school population of the State.”

On Motion of Mr. Brown, the Convention adjourned until 2½ o’clock P. M.

EVENING SESSION—2½ O’CLOCK.

Convention met pursuant to ajournment; roll called; quorum present.

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The pending business was then resumed, being article —, on “Education,” with pending amendments thereto.

.....

On motion of Mr. Graves, the debate on the pending amendments to article —, on “Education,” was estopped, and the vote was taken on the pending amendment offered by Mr. Johnson, of Collin.

The amendment was lost by the following vote:

YEAS—Allison, Brown, Blake, Ballinger, Blassingame, Barnett, Crawford, Cline, Cooley, DeMorse, Dohoney, Darnell, Davis of Brazos, Fleming, Ferris, German, Henry of Smith, Johnson of Franklin, Johnson of Collin, King, McLean, Martin of Navarro, Martin of Hunt, Morris, McCormick, Moore, Norvell, Nunn, Reagan, Ramsey, Spikes, Sessions, Smith, Sansom, Whitehead, West—36.

NAYS—Abernathy, Arnim, Brady, Bruce, Chambers, Cook, of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, Davis of Wharton, Erhard, Ford, Flournoy, Flanagan, Gaither, Graves, Holt, Henry of Limestone, Holmes, Kilgore, Killough, Lockett, Lacy, Lynch, Mitchell, McKinney, Murphy, Nugent, Pauli, Rentfro, Robertson of Bell, Ross, Russell of Harrison, Russell of Wood, Scott, Stockdale, Stayton, Wade, Weaver, Whitfield, Waelder—42.

The vote was then taken on the substitute offered by Mr. DeMorse.

The substitute was lost by the following vote:

YEAS—Ballinger, Crawford, Cook of Gonzales, Cline, Cooley, Dillard, DeMorse, Davis of Brazos, Ford, Fleming, Ferris, Flanagan, Henry of Smith, Holmes, Johnson of Franklin, King, Kilgore, Lockett, McLean, Martin of Navarro, Martin of Hunt, Morris, Mitchell, McCormick, Nugent, Ross, Russell of Harrison, Sessions, Smith, Wade, Weaver, West, Waelder—33.

NAYS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Brady, Bruce, Chambers, Cooke of San Saba, Cardis, Douglas, Dohoney, Darnell, Erhard, Flournoy, German, Gaither, Graves, Holt, Henry of Limestone, Johnson of Collin, Killough, Lacy, Lynch, McKinney, Moore, Murphy, Norvell, Nunn, Pauli, Reagan, Rentfro, Robertson of Bell, Russell of Wood, Spikes, Scott, Stockdale, Sansom, Whitehead, Whitfield—42.

The vote was then taken on the substitute offered by Mr. Dohoney.

The substitute was lost by the following vote:

YEAS—Ballinger, Brady, Crawford, Cline, Cooley, Dohoney, Ford, Ferris, Flanagan, Henry of Smith, Johnson of Franklin, King, Kilgore, Lockett, McLean, Morris, Mitchell, McCormick, Nunn, Pauli, Rentfro, Ross, Russell of Harrison, Smith, Sansom, Wade, West, Waelder—28.

NAYS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, DeMorse, Darnell, Davis of Brazos, Erhard, Flournoy, Fleming, German, Gaither, Graves, Holt, Henry of Limestone, Holmes, Johnson of Collin, Killough,

Lacy, Lynch, Martin of Navarro, Martin of Hunt, McKinney, Moore, Murphy, Norvell, Nugent, Reagan, Ramey, Robertson of Bell, Russell of Wood, Spikes, Scott, Sessions, Stockdale, Stayton, Whitehead, Whitfield—48.

Mr. Whitfield moved the previous question.

Withdrawn.

Mr. Waelder then offered the following as a substitute for section 3:

“The Legislature shall provide for the levying and collection of an annual tax, of not more than one-sixth of one percentum upon the taxable property, real and personal, of this State, and also a poll-tax of two dollars on each voter of the State; and the taxes so levied and collected, as well as the income from the fund herein provided, shall be annually distributed for the education of all children between the ages of eight and fourteen years, among the several counties or school districts, according to their respective scholastic population.”

Pending discussion of the amendment offered by Mr. Waelder, on motion of Mr. McCormick, the Convention adjourned until 9 o'clock A. M. to-morrow.¹

THIRTY-SECOND DAY

HALL OF REPRESENTATIVES

AUSTIN, TEXAS, October 12, 1875.

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The unfinished business was then taken up, being the further consideration of article —, on education, with a pending amendment, offered by Mr. Waelder on yesterday.

Mr. Dohoney offered the following as an amendment to the amendment:

“Provided that the taxes raised under this provision shall be applied to the public schools in the county where they are collected.”

Mr. Waelder amended the amendment offered by him, by striking out the word “two,” in regard to the number of dollars as a poll tax, and insert “one.”

¹*Ibid.*, 328-333.

The amendment of Mr. Dohoney was lost.

Mr. Martin of Navarro, offered the following as a substitute for the whole subject matter under consideration :

“Section 1. The principal of all funds arising from the sale or other disposition of lands and other property, granted or intrusted to the State for educational purposes, shall forever be preserved inviolate; and the income therefrom shall be faithfully applied to specific objects of the original grants and trusts.

“Sec. 2. The Legislature shall make such provision, when ever deemed practicable, by taxation or otherwise, as, with the income arising from the school trust-fund, will secure a thorough and efficient system of common schools throughout the State; and no religious, or other sect, shall ever have exclusive right to, or control of, any part of the school funds of the State.

“Sec. 3. All public lands which have been heretofore, or may hereafter be granted, to the various counties of this State, for public schools, are, of right, the property of said counties respectively to which they are granted and entitled thereto, is hereby vested in said counties; subject to the trust created in the grant.

“Sec. 4. The Legislature shall have power, whenever deemed advisable, to provide for the sale in part, or in whole, of all lands heretofore granted for the benefit of the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum, and the Orphan Asylum, together with such donations as may have been, or may hereafter be made, to either, are hereby set apart to provide a permanent school fund for the support and maintenance and improvements of said asylums.

“Sec. 5. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.”

Mr. Nunn moved that the majority report, and all pending amendments, be referred to a select committee of seven.

Mr. Cook, of Gonzales, moved to reconsider the vote taken on yesterday, refusing to adopt the amendment offered by Mr. Johnson, of Collin, to the pending article.

On motion of Mr. Allison, the Convention adjourned to 2½ o'clock p. m.

EVENING SESSION—2½ O’CLOCK.

Convention met pursuant to adjournment at 2½ P. M.; roll called; quorum present.

The pending business resumed, viz: the motion to refer the article on Education and pending amendments to a select committee of seven.

Mr. McLean moved to amend the motion by striking out “seven” and inserting “fifteen,” and that the committee have their own time to report.

Lost.

The question then recurring on the original motion of Mr. Nunn to refer to a select committee of seven, was adopted by the following vote:

YEAS—Ballinger, Brady, Crawford, Cook of Gonzales, Cline, Cooley, Dillard, Dohoney, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Ford, Fleming, Ferris, Flanagan, Henry of Smith, Holmes, Johnson of Franklin, King, Lockett, McLean, Martin of Navarro, Martin of Hunt, Morris, Mitchell, McCormick, Moore, Murphy, Nunn, Pauli, Reagan, Ramey, Rentfro, Ross, Russell of Harrison, Sessions, Smith, Stockdale, Stayton, Wade, Weaver, Waelder—43.

NAYS—Allison, Abernathy, Arnim, Blake, Blassingame, Barnett, Bruce, Chambers, Cooke of San Saba, Douglas, Flournoy, German, Gaither, Graves, Holt, Henry of Limestone, Johnson of Collin, Killough, Laey, Lynch, McKinney of Denton, Norvell, Nugent, Robertson of Bell, Russell of Wood, Spikes, Scott, Sansom—28.¹

.....

THIRTY-THIRD DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, October 13, 1875.

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The chair announced the following select committee, to which was referred the article on Education: Mr. Nunn chairman,

¹Ibid., 335-337.

Messrs. Norvell, Moore, Ross, Ballinger, Martin of Navarro and Robertson of Bell.¹

.....

Mr. Mills submitted the following article on the subject of Superintendent of Education:

“Section —. There shall be a Superintendent of Public Instruction, who shall be elected by the people. The Superintendent shall hold his office for the term of two years. He shall receive an annual salary of three thousand dollars.

“Sec. —. The Superintendent shall have supervision and control of the public free schools of the State. The Legislature shall lay off the State into convenient school districts, and shall provide for the formation of a Board of School Directors in each county, and for the purpose of taxation each county shall be a school district. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education adapted to the circumstances and wants of the people of the State. He shall, at each session of the Legislature, furnish that body with a complete report of all free schools in the State.

“Sec. —. The Legislature shall establish a uniform system of public free schools throughout the State.

“Sec. —. As a basis for the establishment and endowment of said public free school, all the funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools, shall constitute the public school fund; and all sums of money that may come to this State hereafter from the sale of any portion of the public domain of Texas shall also constitute a part of the public school fund; and the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund. And the Legislature shall set apart, for the benefit of public schools, not less than one-

¹*Ibid.*, 339.

sixth of the annual revenue derivable from general taxation, and shall also cause to be levied and collected an annual poll tax of one dollar on all male persons in this State between the ages of twenty-one and sixty years, also a tax of one and one-half per cent. on the gross earnings of all railroads, steamship lines and insurance companies of this State, also all the fines collected for carrying concealed weapons and disturbances of the peace, also all money collected for license for selling malt and spirituous liquors, for the benefit of public schools. And said fund and the income derived therefrom, and the taxes and other moneys herein provided for school purposes, shall be a perpetual fund, to be applied as needed, exclusively for the education of all scholastic inhabitants of this State, and no law shall ever be made appropriating such fund for any other use or purpose whatever.

“Sec. — The public lands heretofore given to counties shall be under the control of the board of school directors of their respective counties, and may be leased or sold by them under such rules and regulations as the Legislature shall prescribe.

“Sec. — The Legislature shall, at its first session, and from time to time thereafter, as may be necessary, provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the Legislature to see to it that all the children in the State between the ages of (8) eight to (15) fifteen are, without delay, provided with ample means of education. The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic inhabitants of the State, the interest accruing on the school fund and the income derived from taxation for school purposes; and shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the State of Texas, or of the United States; and all school moneys invested in the bonds of the State of Texas are hereby declared NOT to be of doubtful validity.”

Referred to the Select Committee of Seven on Article —, Education.¹

¹*Ibid.*, 340-342.

THIRTY-FIFTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, October 15, 1875.

.....

The following report and article were then taken up:

COMMITTEE ROOM,

AUSTIN, October 8, 1875.

To the Hon. E. B. Pickett, President of the Convention:

Sir—Your committee on Counties and County lands, to whom were referred certain resolutions and memorials on the subject of county school lands, have had the same under consideration, and instruct me to report the following provision, which they recommend for adoption as a part of the Constitution.

Respectfully

HENRY C. KING, Chairman Committee.

“All lands heretofore or hereafter granted to the several counties of this State for education or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell and dispose of its lands in whole or in part, in manner to be provided by the police court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlements, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof when sold, shall be held by said counties alone as a trust for the benefit of public schools therein. Said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.”

The article was ordered engrossed.

Mr. Nugent moved to reconsider the vote just taken engrossing the article.

Lost.¹

¹*Ibid.*, 366-367.

THIRTY-EIGHTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, October 19, 1875.

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Mr. Ramey submitted the following report:

COMMITTEE ROOM,
AUSTIN, October 19, 1875.

To the Hon. E. B. Pickett, President of the Convention:

Sir—Your Committee on “Engrossed and Enrolled Ordinances” would respectfully report that they have carefully examined and compared a provision “On County School Lands,” and find the same correctly engrossed. Respectfully,

WM. NEAL RAMEY, Chairman.¹

.....
COMMITTEE ROOM,
AUSTIN, October 18, 1875.

To the Hon. E. B. Pickett, President of the Convention:

The undersigned members of the special committee of seven, to whom was referred the majority and two minority reports and pending amendments on the subject of public schools, beg leave to report that they have carefully investigated the subject; and, in view of the conflicting opinions of this body, have agreed on the following eight sections as the most practicable basis, under the circumstances, on which to organize the public free schools of this State.

They would further submit that they have also considered the subject of the asylums, and find no cause to change the majority report thereon, heretofore presented, but suggest that it be placed among the general provisions, as it does not appropriately pertain to the public free school system.

D. A. NUNN,
L. W. MOORE,
L. NORVELL,
W. P. BALLINGER,
MARION MARTIN,
L. S. ROSS.

¹*Ibid.*, 394.

"PUBLIC FREE SCHOOLS.

"Section 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

"Sec. 2. All funds, lands, and other property heretofore set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made, to railroad or other corporations, of any nature whatsoever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

"Sec. 3. And there shall be set apart annually not more than one-fourth the general revenues of the State, and a poll tax of two dollars on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

"Sec. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms, as may be prescribed by law; and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sale, and of those heretofore made, as may be directed by the Board of Education, herein provided for, in the bonds of this State, if same can be obtained, otherwise in the United States bonds; and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund.

"Sec. 5. The principal of all bonds or other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or

used for the support of any sectarian school. And the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in manner as may be provided by law.

“Sec. 6. All lands heretofore or hereafter granted to the several counties of this State for education or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell and dispose of its lands in whole or in part, in manner to be provided by the police court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof when sold, shall be held by said counties alone as a trust for the benefit of public schools therein. Said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.

“Sec. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

“Sec. 8. The Governor, Comptroller and Secretary of State shall constitute a Board of Education, who shall distribute said fund to the several counties, and perform such other duties concerning public schools as may be provided by law.

“ASYLUMS.

“All lands heretofore granted for the benefit of the Lunatic, Blind, Deaf and Dumb, and Orphan Asylums, together with such donations as may have been or may hereafter be made to either of them, are hereby set apart to them respectively, as indicated in the several grants, to provide a permanent fund for the support and maintenance and improvement of said asylums.

“And the Legislature may provide for the sale of the lands and the investment of the proceeds in manner as provided for sale and investment of school lands in section 4 of article —, on public schools.”

On motion of Mr. Nunn two hundred copies of the report and ordinance were ordered printed, and they were made special order for Saturday next 10 o'clock A. M.

COMMITTEE ROOM,

AUSTIN, October 18, 1875.

To the Hon. E. B. Pickett, President of the Convention:

The undersigned, one of the special committee to which was referred the article reported by the majority of the standing Committee on Education, begs leave to dissent from the majority report of said special committee for the following reasons:

That while he favors a general diffusion of knowledge, and believes that it is the duty of individuals as well as governments to encourage and promote this object by all legitimate means in their power, he does not believe that a general system of free public schools can be adopted by Texas at the present time that will afford that efficiency to the desired end as will be satisfactory to the friends of free public education, without the levying of a tax upon all the values of the State of from one-third to one-half of one per cent.

That the report of the Superintendent of Public Instruction shows that the scholastic population, between the ages of six and eighteen, for the year 1874, was 313,061, and for 1875 it is 339,000, an increase of 26,000 in twelve months.

That there was distributed to the scholastic population of 1874, \$499,959.05, and that for 1875, \$498,330.00, or thereabouts.

That after levying a tax of one-fourth of the annual revenue, we find only one dollar and forty-seven and two-third cents *per capita*, to pay the tuition of the scholar for four months, leaving an additional tax (assuming that the tuition will only amount to six dollars for four months) of about four hundred per cent. to be collected from the taxable values of the county.

That with the rapid immigration to the State, we may safely calculate that the increase of scholastic population will amount to from twenty-five to thirty thousand annually, giving an an-

nual increase in taxation for free public schools of from one hundred and eighty to two hundred thousand dollars.

That a large proportion of the immigration to the country that will aid in increasing the scholastic population of the State will add but little, if anything, for many years to the taxable values of the State.

That any system of public free schools will necessarily increase, even in old settled States and countries, beyond the increase in taxable values.

That in the city of Boston the tax for public free schools has increased from \$389,829 in 1854-55 to \$2,081,043 in 1874-75, an annual increase of \$104,052, or nearly thirty per cent.

That while this increase of expense in Boston will probably fall far short of the increase of scholastic population in Texas, it the last four years, which may be assumed as a fair average, as follows:

Taxable property for 1872.....	\$211,000,000
Taxable property for 1873.....	223,000,000
Taxable property for 1874.....	241,000,000
Probable amount for 1875.....	250,000,000

That it is evident, if I am correct in the above estimate, that no system of free public schools can be maintained without a practical confiscation of the property of the country, and the striking down of all her industries.

That the industrious farmer and mechanic can never rise, or accumulate property, if you levy an annual tribute on him for the education of the children of his less industrious neighbor.

That he does not believe that it ever was the intention of the founders of our republican form of government to take the entire control of the education of the children of the country out of hands of the parents or legal guardians.

That the history of the country, from the first landing of the Pilgrims down to the present time, will not warrant the conclusion that any species of compulsory education was intended or would be tolerated.

That the appointment of high officials or a commission by the government to select text books that shall be used for the

study and training of the youth of the country, is at war with the laws of God, and is subversive of the principles of free speech, liberty of conscience and freedom of thought, as enunciated in 1776, by the authors of American liberty, and re-enunciated time and again since that time.

That as the forms and formulas prescribed in religion enslave thought and fetters conscience, so the minds of the youth of the country will be trained to look to government for all their wants and necessities, and finally to regard it as parent, and then as master, would prevent the development of that independent, self-reliant and chivalrous feeling that constitutes one of the best supports of our republican form of government.

That taxation for purposes other than the legitimate expenses of the government is in violation of right, where life, liberty and the pursuit of happiness is guaranteed, because it assumes to educate the child in a prescribed manner, contrary to the wish and desire of the parent—taxes him for a purpose that is contrary to right and revolting to his conscience, and compels him to support an institution never contemplated by the founders of a republic, because in no way necessary to its perpetuity.

That it was not—could not have been the intention of the men of 1836 or 1845 to declare that a system of free public schools should be maintained by a direct tax on the property and industries of the people throughout all time, with the standing invitation for immigration from all parts of the world.

They certainly did not intend to open the way for an uncertain annual increase of taxation upon the labor of the country, amounting to a probable increase of from twenty to thirty per cent.

I can not believe that they intended to fasten on themselves and their descendants a form of government that would guarantee an education to the children of all countries (as well as their own) that might think proper to avail themselves of it, without money and without price.

I can not believe that Texas did then, or is bound now, to

conscript the industries of the country to support and maintain an institution, not only not essential to the maintenance of a free government, but absolutely subversive of both civil and religious liberty.

That it was not the intention, as it was not the policy of the framers of the constitutions of 1836 or 1845 to do more than to encourage education, and to aid the schools of the country that might be established by individual enterprise and money, by the donation of lands and a portion of the money received for the sale of our north-western territory, an amount sufficient to educate all the indigent orphans of the country.

The undersigned would, therefore, offer the following article as a substitute for the one offered by the majority of the committee.

All of which is respectfully submitted.

E. S. C. ROBERTSON.

“ARTICLE —.

“Section 1. To promote the general diffusion of knowledge the lands heretofore set apart by the Republic or State of Texas, and the moneys, bonds and other property now owned by the State, which have been devoted to the use of public free schools, shall constitute the basis of a permanent fund, to be called the General Educational Fund;

“*Provided*, That the title to lands given to the State for the use and benefit of *public free schools* shall be surrendered to the donors at their option; but the right of the State to improvements put upon said lands by the State shall not be hereby affected.

“Sec. 2. The Legislature shall provide for the sale of all lands set apart in section 1 of this article as soon as practicable, which have been located, or which may hereafter be located, by railroad or other corporations, and for the sale of all other property therein set apart; and all moneys derived from the same shall be invested in bonds of the State of Texas.

“Sec. 3. The interest accruing on the General Educational Fund shall be distributed annually by the Comptroller of Public Accounts between the respective counties of the State, according to their scholastic population, as follows:

"1. To the payment of tuition for four months in each year of all the indigent orphan children of the State between the ages of eight and sixteen years; the remainder to be applied *pro rata* to the payment of tuition of all children of the State within said ages; and the Legislature may set aside not more than one-twentieth of the annual revenues of the State in aid of said General Educational Fund."

On motion of Mr. Stockdale, 200 copies of this report and article were ordered printed, and made special order for Saturday at 10 o'clock A. M.¹

FORTIETH DAY.

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, October 21, 1875.

.....

Separate section on "County School Lands," on its third reading, was taken up and read the third time.

Mr. Darnell offered the following amendment:

After the word "settlers" in line 11, insert: "Said lands shall be sold on a credit of not less than ten years, the purchaser paying interest at the rate of not more than ten per cent. per annum, and the proceeds thereof when sold shall be held by such county alone as a trust fund for the benefit of schools; said proceeds, when collected in money, to be invested in bonds of the State of Texas, or of the United States, and only the interest thereof to be used and expended annually."

Mr. Gaither offered the following proviso to the amendment:

"*Provided*, That a payment of one-fifth of the purchase money be required on all sales of said lands."

Mr. Scott offered the following as a substitute for the two amendments:

"After the word "part," in line 6, insert "to actual settlers on ten years credit, with ten per cent. interest."

Mr. Robertson, of Bell, offered the following amendment to Mr. Scott's substitute:

¹*Ibid.*, 395-401.

“*Provided*, That the principal may be paid by the foreclosure at any time, and the amount invested in State or United States bonds, as hereinbefore provided.”

Accepted by Mr. Scott as a part of his substitute.

Mr. Chambers moved to refer the article and several amendments to a select committee of five.

Mr. Chambers withdrew his motion to refer.

Mr. Reagan offered the following:

Amend by inserting after the word “settlers,” in line 11, the words: “said lands shall be sold on a credit, and payment made in ten equal annual installments, with interest on such sums as may be due, at the rate of eight per cent. per annum, secured by a lien on such lands.”

Mr. Scott accepted this as a substitute for his substitute.

Mr. Fleming moved to lay the amendments and substitutes on the table.

Carried by the following vote:

YEAS—Allison, Abernathy, Arnim, Blake, Ballinger, Barnett, Burleson, Cook of Gonzales, Douglas, Davis of Brazos, Davis of Wharton, Erhard, Ford, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, King, Kilgore, Killough, Lockett, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mills, Mitchell, McCormick, Murphy, Nunn, Ramey, Reynolds, Rentfro, Robeson of Fayette, Spikes, Sessions, Smith, Stayton, Wade, Whitehead, Wright, Waelder—52.

NAYS—Brown, Blassingame, Bruce, Crawford, Chambers, Cooke of San Saba, Cline, Dillard, DeMorse, Darnell, Johnson of Franklin, McKinney of Denton, Nugent, Pauli, Reagan, Russell of Harrison, Russell of Wood, Scott, Weaver, Whitfield—20.

Mr. Nugent proposed to amend by striking out of line 6 the words “in whole or in part,” and insert “in tracts not exceeding three hundred and twenty acres;” also strike out “one hundred and sixty,” line 9, and insert “three hundred and twenty.”

Mr. Wade offered the following as a substitute for the amendment:

Strike out all from the word "county," in line 7, to the word "said," in line 11.

On motion of Mr. Dillard, the amendment and substitutes were laid on the table.

Mr. Cline offered the following amendment:

Strike out the sentence beginning in line 5 and ending in line 7, and insert the following:

"The county school lands shall be sub-divided into equal portions, not exceeding one hundred and sixty acre tracts, whereof the alternate tracts may be sold at public auction, on such terms and conditions as may be prescribed by law. The Commissioners' Court of the county owning said lands may lease said tracts on such conditions as may be authorized by law. When any such tract may be sold, one-fourth the price shall be paid cash, and the balance in six equal annual payments, with ten per cent. from date of sale, and secured by lien on the land."

On motion of Mr. Mills the amendment was laid on the table.

On motion of Mr. Dillard the main question was ordered.

The question on the final passage of the section was then put, and the same passed by the following vote:

YEAS—Allison, Abernathy, Arnim, Brown, Blake, Ballinger, Barnett, Burleson, Bruce, Chambers, Cook of Gonzales, Douglas, Dillard, Dohoney, Davis of Brazos, Davis of Wharton, Erhard, Ford, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, King, Kilgore, Killough, Lockett, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mills, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Murphy, Nunn, Nugent, Reagan, Ramey, Reynolds, Robeson of Fayette, Russell of Wood, Spikes, Scott, Sessions, Smith, Stayton, Whitehead, Wright, Weaver, Whitfield, Waelder—65.

NAYS—Abner, Blassingame, Cooke of San Saba, Cline, Cardis, DeMorse, Darnell, Pauli, Rentfro, Russell of Harrison, Wade—10.

On motion of Mr. Brown, the Convention adjourned to 2:30 o'clock P. M.

FORTY-SIXTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, October 28, 1875.

.....

The hour having arrived for the special order, viz: "Article —, Public Schools," was taken up.

Mr. Dohoney moved to postpone the same until Saturday at 9½ o'clock, and that it be made the special order for that hour.

Mr. Cline moved to postpone to Tuesday, and make it the special order for 10 o'clock that day.

Carried by the following vote:

YEAS—Abernathy, Arnim, Ballinger, Barnett, Blassingame, Brady, Brown, Bruce, Burleson, Cardis, Cline, Cook of Gonzales, Cooley, Darnell, Davis of Wharton, Dohoney, Erhard, Flournoy, German, Graves, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, King, Lockett, Lynch, Martin of Navarro, McCabe, Mitchell, Morris, Nugent, Nunn, Pauli, Reagan, Rentfro, Reynolds, Ross, Russell of Harrison, Scott, Spikes, Stayton, Stockdale, Wade, Waelder, Weaver, West, Wright—48.

NAYS—Abner, Allison, Chambers, Cooke of San Saba, Crawford, Davis of Brazos, De Morse, Dillard, Fleming, Ford, Gaither, Haynes, Johnson of Franklin, Kilgore, Killough, Lacy, McKinney of Denton, McLean, Mills, Murphy, Norvell, Ramey, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Smith, Whitehead, Whitfield—29.

Mr. Stockdale moved to reconsider the vote just taken. Carried.

"Article —, Judicial Department," passed to the table for the present, and the Convention proceeded to the consideration of "Article —, Public Free Schools."

(Mr. Flournoy in the chair.)

Mr. Reagan offered the following amendment:

Sec. 3, line 14, strike out the word "two" and insert the word "one."

Mr. Johnson, of Franklin, offered the following substitute for the section :

“Sec. 3. And there shall be set apart not less than one-tenth of the annual revenue of the State derivable from taxation, and a poll tax of one dollar on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.”

Mr. Reagan’s amendment adopted by the following vote :

YEAS—Abner, Allison, Arnim, Barnett, Blake, Blassingame, Brown, Bruce, Cardis, Chambers, Cooke of San Saba, Cooley, Darnell, Fleming, Flournoy, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, Lynch, McKinney of Denton, McLean, Mills, Murphy, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Harrison, Russell of Wood, Sansom, Scott, Spikes, Stockdale, Weaver, West, Whitehead, Whitfield, Wright—43.

NAYS—Abernathy, Ballinger, Brady, Burleson, Cline, Cook of Gonzales, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Dillard, Dohoney, Ferris, Ford, Gaither, Haynes, Henry of Smith, Kilgore, King, Lacy, Lockett, Martin of Navarro, McKinney of Walker, Mitchell, Moore, Morris, Norvell, Nunn, Pauli, Rentfro, Reynolds, Ross, Smith, Stayton, Wade, Waelder—36.

Mr. Johnson’s (of Franklin) substitute.

On motion of Mr. Mills, the Convention adjourned to 2½ o’clock P. M.

EVENING SESSION—2½ O’CLOCK

Convention met pursuant to adjournment; roll called; quorum present.

Convention resumed consideration of pending question.

.....

Mr. Whitfield offered the following as a substitute for the article pending :

“ARTICLE —.

“EDUCATION.

“Section 1. A general diffusion of knowledge being essential to the preservation of liberties of the people, it shall be the

duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

“Sec. 2. All funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

“Sec. 3. And there shall be set apart, annually, not more than one-tenth of the annual revenue derivable from taxation for general purposes, and such poll tax as may be by law levied under the provisions of this constitution, which shall also constitute a part of the public school fund.

“Sec. 4. The lands herein set apart to the public school fund shall be sold under such regulation, at such time, and upon such terms as may be prescribed by law, and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sale, and of those heretofore made, in the bonds of this State, if the same can be obtained, otherwise in United States bonds, and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained.

“Sec. 5. The principal of all bonds or other funds, and the principal arising from the sales of lands herein before set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom, and the taxes herein provided shall be the available school fund, which shall be applied annually to the support of public schools, and no law shall ever be made appropriating any part of the permanent or available school fund to any other purpose whatever, except as hereinafter provided.

“Sec. 6. All public lands which have been heretofore, or may be hereafter granted to the various counties of this State for public schools, are of right the property of said counties respectively to which they are granted and entitled thereto,

is hereby vested in said counties, subject to the trust created in the grant.

“Sec. 7. So soon as the available school fund may be sufficient, the Legislature shall establish and maintain “Free Public Schools” throughout the State for a period of not less than four months in each year, and may authorize any county to establish public schools in such county whenever the available fund apportioned to such county, as herein provided, together with the fund realized from the sale of the lands of the county, shall be sufficient to maintain public schools in such county for not less than four months in each year. But until such time the available school fund hereinbefore provided shall be distributed to the several counties of the State, according to the scholastic population, the distribution to be made by the Governor, the Comptroller and the Treasurer, who, for this duty, shall constitute a “School Board.” The fund shall be distributed to the counties and applied in aid of private schools in such mode as the Legislature may provide.

“Sec. 8. All lands heretofore granted for the benefit of the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum, and the Orphan Asylum, together with such donations as may have been, or may hereafter be made to either of them, are hereby set apart to provide a permanent school fund for the support and maintenance and improvement of said asylums; but the Legislature shall have the power, whenever deemed advisable, to provide for the sale, in part or in whole, of said lands. The proceeds of said lands, when realized, together with all moneys severally donated to such asylums, or either of them, shall be invested in bonds of the State of Texas, if obtainable; if not, in bonds of the United States, in such manner as the Legislature may provide. And the proceeds of the interest thereon shall be a several available fund for each of said asylums, and for no other purpose.

“Sec. 9. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.”

Mr. Moore moved to reconsider the vote adopting Mr. Reagan's amendment to section 3, line 14, to strike out “two” and insert “one.”

On motion of Mr. Flournoy, the Convention adjourned to 9 o'clock A. M. tomorrow.¹

FORTY-SEVENTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, October 29, 1875.

Unfinished business, viz: "Article —, Public Free Schools," again taken up, the pending question being Mr. Johnson's (of Franklin) substitute for section 3, which was lost by the following vote:

YEAS—Ballinger, Brown, Cooley, Crawford, Darnell, Davis of Brazos, Dillard, Dohoney, Ferris, Fleming, Henry of Limestone, Johnson of Franklin, Kilgore, Killough, Lacy, Martin, of Navarro, McCormick, McKinney of Walker, Mitchell, Moore, Nunn, Ross, Smith, Stayton, Waelder, West, Whitfield—27.

NAYS—Abernathy, Abner, Allison, Arnim, Barnett, Blassingame, Brady, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Davis of Wharton, DeMorse, Flournoy, Ford, Gaither, German, Graves, Haynes, Holt, Johnson of Collin, Lockett, Martin of Hunt, McCabe, McKinney of Denton, McLean, Morris, Murphy, Norvell, Nugent, Pauli, Ramey, Reagan, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Russell of Harrison, Russell of Wood, Sansom, Scott, Spikes, Stockdale, Wade, Whitehead, Wright—47.

Mr. Whitfield, by leave, withdrew his substitute, and offered the following in its stead:

“ARTICLE —.

“EDUCATION.

“Section 1. A general diffusion of knowledge being essential to the preservation of liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

“Sec. 2. All funds, lands and other property heretofore set apart and appropriated or that may hereafter be set apart and appropriated for the support of public schools, all the

¹*Ibid.*, 510-514.

alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

“Sec. 3. And there shall be set apart, annually, not more than one-tenth of the annual revenue derivable from taxation for general purposes, and such poll-tax as may be by law levied under the provisions of this constitution, which shall also constitute a part of the public school fund.

“Sec. 4. The lands herein set apart to the public school fund shall be sold under such regulation, at such time and upon such terms as may be prescribed by law, and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sale, and of those heretofore made, in the bonds of this State, if the same can be obtained, otherwise in United States bonds, and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained.

“Sec. 5. The principal of all bonds or other funds, and the principal arising from the sales of lands hereinbefore set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom, and the taxes herein provided shall be the available school fund, which shall be applied annually to the support of public schools, and no law shall ever be made appropriating any part of the permanent or available school fund to any other purpose whatever, except as hereinafter provided.

“Sec. 6. All public lands which have been heretofore, or may be hereafter granted to the various counties of this State for public schools, are of right the property of said counties respectively to which they are granted and entitled thereto, is hereby vested in said counties, subject to the trust created in the grant.

“Sec. 7. The Legislature, as soon as practicable, shall establish public free schools throughout the State, and shall provide by law, that the available public free school fund herein provided, shall be distributed among all the scholastic population of the

State. But, until otherwise provided, the available school fund hereinbefore provided shall be distributed to the several counties of the State, according to the scholastic population—the distribution to be made by the Governor, the Comptroller and the Treasurer, who, for this duty shall constitute a “School Board.” The fund shall be distributed to the counties and applied in aid of common schools in such mode as the Legislature may provide.

“Sec. 8. All lands heretofore granted for the benefit of the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum, and the Orphan Asylum, together with such donations as may have been or may hereafter be made to either of them, are hereby set apart to provide a permanent school fund for the support and maintenance and improvement of said asylums; but the Legislature shall have the power, whenever deemed advisable, to provide for the sale, in part or in whole, of said lands. The proceeds of said lands, when realized, together with all moneys severally donated to such asylums, or either of them, shall be invested in bonds of the State of Texas, if obtainable; if not, in bonds of the United States, in such manner as the Legislature shall provide. And the proceeds of the interest thereon shall be a several available fund for each of said asylums, and for no other purpose.

“Sec. 9. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.”

Mr. Russell, of Harrison, offered the following amendment to section 3:

“Sec. 3. And there shall be set apart annually not less than one-fourth the general revenue of the State, and a poll tax of one dollar on all male inhabitants in this State, between the ages of twenty-one and sixty years; and the Legislature shall provide for the levying and collecting annually of not less than one-sixth of one per cent. upon all taxable property in this State, for the benefit and support of public free schools, for a period of not less than four months in each year.”

Lost by the following vote:

YEAS—Abner, Brady, Cline, Davis of Wharton, Erhard, Lockett, McCormick, Mills, Mitchell, Morris, Pauli, Rentfro, Reynolds, Russell of Harrison—14.

NAYS—Abernathy, Allison, Arnim, Ballinger, Barnett, Blas-singame, Brown, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Davis of Brazos, DeMorse, Dillard, Dohoney, Ferris, Fleming, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, Martin of Hunt, Martin of Navarro, McCabe, McKinney of Denton, McKinney of Walker, McLean, Moore, Norvell, Nugent, Nunn, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Scott, Spikes, Stayton, Stockdale, Wade, West, Whitehead, Whitfield, Wright—59.

Mr. Dohoney offered the following amendment:

“Sec. 9. It shall be the duty of the County Court of each county to divide the county into school districts of proper size, and, under such regulations as the Legislature may prescribe, provide for the organization of public schools in such districts, by additional taxation or otherwise; *provided*, that no taxes shall be so levied in any school district, except upon a majority vote of the qualified electors therein, and all taxes so raised shall be applied exclusively to the payment of teachers in said district; and *provided, further*, that no *ad valorem* tax so levied shall ever exceed one-quarter of one per cent. And whenever any such public school has been so organized in any school district, and provision made to keep up the same for at least four months in the year, and the number of scholastic population in said district is ascertained, it shall be the duty of the County Court to distribute to such district its proportion of the public school fund. The fund due school districts which fail to provide for public schools at least four months in the year shall remain in the county treasury for the benefit of the scholastic population to whom it belongs.”

Mr. Russell, of Wood, moved to close debate upon the amendment, and bring the Convention to a vote.

On motion of Mr. Sansom, the Convention adjourned to 2:30 o'clock P. M.

EVENING SESSION—2½ O'CLOCK.

Convention met; roll called; quorum present.

Mr. Russell, of Wood, renewed his motion to close the debate.

upon the amendment of Mr. Dohoney, and the substitute of Mr. Whitfield, and to bring the Convention to a direct vote.

Carried.

Mr. Dohoney's amendment lost.

Mr. Whitfield's substitute lost by the following vote:

YEAS—Abernathy, Allison, Arnim, Barnett, Blake, Blassingame, Bruce, Cardis, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, Lacy, Lynch, Martin of Hunt, McKinney of Denton, Nugent, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Spikes, Whitehead, Whitfield, Wright—36.

NAYS—Abner, Ballinger, Brady, Burleson, Cline, Cooley, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Dohoney, Ferris, Fleming, Ford, Haynes, Henry of Smith, Lockett, Martin of Navarro, McCabe, McCormick, McKinney of Walker, McLean, Mills, Mitchell, Moore, Morris, Murphy, Norvell, Nunn, Pauli, Ramey, Rentfro, Reynolds, Ross, Russell of Harrison, Smith, Stayton, Wade, Waelder, West—40.

Mr. Whitfield offered the following as a substitute for section 3:

“Sec. 3. The Legislature may provide for the levying of a tax for educational purposes. Said fund shall be annually distributed for educational purposes among the several counties, according to the population in each.”

Mr. Waelder proposed to amend the substitute as follows:

Strike out all after the word “levying,” in second line, and insert: “and collection annually of not less than one-tenth of one per cent. on all taxable property in the State, and a poll tax of not more than two dollars on all male inhabitants between the ages of twenty-one and sixty years, for the benefit and support of public free schools; but, if at any time hereafter a tax of less than one-tenth of one per cent. should be sufficient to maintain an efficient system of free public schools, the Legislature may reduce the tax accordingly.”

On motion of Mr. Graves, the debate on the pending substitute and amendment was closed and a vote ordered.

The question on Mr. Waelder's amendment was put, and the amendment lost by the following vote:

YEAS—Abner, Ballinger, Brady, Cline, Crawford, Davis of Brazos, Davis of Wharton, Dohoney, Erhard, Ferris, Fleming, Ford, Haynes, Henry of Smith, Lockett, Martin of Hunt, Martin of Navarro, McCabe, McCormick, Mills, Mitchell, Moore, Morris, Nunn, Pauli, Rentfro, Reynolds, Ross, Russell of Harrison, Smith, Wade, Waelder, West—33.

NAYS—Abernathy, Allison, Arnim, Barnett, Blake, Blassingame, Bruce, Burlison, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, DeMorse, Dillard, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, Lynch, McKinney of Denton, McLean, Murphy, Norvell, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Spikes, Stayton, Stockdale, Whitehead, Whitfield—43.

The question on Mr. Whitfield's substitute for section 3 was then put, and the substitute lost by the following vote:

YEAS—Abner, Ballinger, Brady, Cline, Cook of Gonzales, Crawford, Davis of Brazos, Dillard, Erhard, Fleming, Ford, Henry of Smith, Kilgore, Lockett, Martin of Hunt, Martin of Navarro, McCabe, McCormick, Mills, Mitchell, Moore, Morris, Norvell, Pauli, Rentfro, Reynolds, Ross, Russell of Harrison, Smith, Wade, Waelder, West, Whitehead, Whitfield—34.

NAYS—Abernathy, Allison, Arnim, Barnett, Blake, Blassingame, Bruce, Burlison, Cardis, Chambers, Cooke of San Saba, Darnell, Davis of Wharton, DeMorse, Dohoney, Ferris, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, Lacy, Lynch, McLean, Murphy, Nugent, Nunn, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Spikes, Stayton, Stockdale—42.

Mr. West moved to reconsider the vote adopting Mr. Reagan's amendment to section 3, line 14, striking out "two" and inserting "one," as poll tax.

On motion of Mr. Reagan, the Convention adjourned.¹

¹*Ibid.*, 516-521.

FORTY-EIGHTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, October 30, 1875

.....

Unfinished business taken up, viz: "Article —, Public Schools."

Mr. Ferris offered the following amendment as an additional section:

"Sec. —. Until the available school fund, including the fund derivable from taxation, shall appear sufficient for the maintenance of a system of free schools, such fund may be used for the encouragement or support of public schools, which shall afford free tuition to pupils whose parents or guardians are unable to pay for tuition, in such manner and under such regulations as may be provided by law."

The hour having arrived for considering the special order, viz: "Revenue and Taxation," on motion of Mr. Crawford, it was postponed until the pending question shall have been disposed of.

Mr. Ferris also offered the following amendment to section 7:

"And in the counties where such schools exist, the available school fund to which each county is entitled shall be apportioned to such separate schools, according to the relative scholastic population of white and colored children in the county."

On motion of Mr. Scott, the main question was ordered.

Mr. Ferris's amendments were both lost.

The question recurring upon the engrossment of the article, it was carried by the following vote:

YEAS—Abernathy, Allison, Ballinger, Barnett, Blake, Brown, Burleson, Chambers, Cline, Cook of Gonzales, Cooke of San Saba, Crawford, Davis of Brazos, Dillard, Dohoney, Erhard, Ferris, Fleming, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Johnson of Collin, Johnson of Franklin, Killough, King, Lacy, Martin of Hunt, Martin of Navarro, McCormick, McKinney of Denton, McKinney of Walker, Moore, Norvell, Nugent, Nunn, Ramey, Reagan, Rent-

fro, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Scott, Smith, Spikes, Stewart, Waelder, West, Whitehead, Wright—55.

NAYS—Abner, Arnim, Blassingame, Brady, Bruce, Cardis, Cooley, Darnell, Davis of Wharton, DeMorse, Ford, Holt, Kilgore, Lockett, Lynch, McLean, Mills, Mitchell, Murphy, Pauli, Reynolds, Russell of Harrison, Stockdale, Wade, Whitfield—25.

Mr. Graves moved to reconsider the vote just taken, and to lay the motion on the table.

Carried by the following vote:

YEAS—Abernathy, Allison, Ballinger, Barnett, Blake, Brown, Burlison, Chambers, Cook of Gonzales, Cooke of San Saba, Davis of Brazos, Dillard, Ferris, Flournoy, Gaither, German, Graves, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Killough, Laey, Martin of Hunt, Martin of Navarro, McCormick, McKinney of Denton, Moore, Norvell, Nugent, Nunn, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Scott, Spikes, Stewart, Whitehead, Wright—42.

NAYS—Abner, Arnim, Blassingame, Brady, Bruce, Cardis, Cline, Cooley, Crawford, Darnell, Davis of Wharton, DeMorse, Dohoney, Erhard, Fleming, Ford, Haynes, Holt, Kilgore, King, Lockett, Lynch, McKinney of Walker, McLean, Mills, Mitchell, Murphy, Pauli, Rentfro, Reynolds, Russell of Harrison, Smith, Stayton, Stockdale, Wade, Waelder, West, Whitfield—38.¹

FIFTIETH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, November 2, 1875.

¹*Ibid.*, 523-524.

Mr. Ramey made the following report:

COMMITTEE ROOM,
AUSTIN, November 2, 1875.

To the Hon. E. B. Pickett, President of the Convention:

SIR:—Your Committee on Engrossed and Enrolled Ordinances would respectfully report to your honorable body that they have carefully examined and compared “Article —, The Public Free Schools,” and find the same correctly engrossed.

Respectfully,

WM. NEAL RAMEY, Chairman.¹

FIFTY-FOURTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, September 13, 1875.

.....
“Article —, Public Free Schools,” taken up and read third time.

Mr. German offered the following amendment:

Amend section 4 by striking out lines 17, 18 and 19, down to the word “law,” and insert “the lands herein set apart to the public free school fund, which are located in any county now organized, and whenever any new county may be organized, shall be placed upon the market and sold under such regulations and on such terms as may be prescribed by law.

Mr. Russell, of Wood, proposed to amend the amendment as follows:

“Provided said lands shall not be disposed of at a less price than one dollar per acre.”

Adopted.

Amendment as amended lost by the following vote:

YEAS—Barnett, Blassingame, Brown, Bruce, Chambers,

¹*Ibid.*, 534.

Cooke of San Saba, Flournoy, German, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Lynch, Nugent, Russell of Wood, Spikes—15.

YAYS—Abernathy, Abner, Allison, Ballinger, Brady, Cline, Crawford, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Dillard, Dohoney, Douglas, Flanagan, Fleming, Ford, Gaither, Graves, Haynes, Holt, Kilgore, Killough, Lacy, Lockett, McCormick, McKinney of Denton, McKinney of Walker, McLean, Mills, Mitchell, Moore, Morris, Murphy, Martin of Hunt, Norvell, Nunn, Pauli, Ramey, Reagan, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Ross, Scott, Sessions, Smith, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead—55.

Mr. Haynes offered the following amendments:

In line 13, section 3, strike out the word "more" and insert "less."

In line 14 strike out the word "one" and insert "two."

Mr. Moore asked for a division of the question.

Mr. Scott moved to lay the first amendment on the table.

Carried by the following vote:

YEAS—Allison, Barnett, Blassingame, Brown, Bruce, Chambers, Cooke of San Saba, DeMorse, Dillard, Dohoney, Douglas, Ferris, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Kilgore, Killough, Lacy, Lynch, McKinney of Denton, McLean, Moore, Murphy, Martin of Navarro, Norvell, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Sessions, Spikes, Stayton, Stockdale, Whitehead—41.

YAYS—Abner, Ballinger, Brady, Cline, Cooley, Crawford, Darnell, Davis of Brazos, Davis of Wharton, Flanagan, Fleming, Ford, Haynes, Johnson of Franklin, Lockett, McCormick, McKinney of Walker, Mills, Mitchell, Morris, Martin of Hunt, Nunn, Pauli, Rentfro, Reynolds, Ross, Smith, Stewart, Wade, Waelder, Whitfield—31.

The hour having arrived for considering the special order, the same was taken up, viz: "Section —, Granting Lands to Railroads," and "Article —, Public Lands and Land Office."

On motion of Mr. Darnell, the special order was postponed until the pending business is disposed of.

“Article —, Judiciary,” was then taken up as the special order for this hour, and on motion of Mr. Dohoney was postponed to 10 o'clock, Monday.

The Convention resumed the consideration of the article on public free schools.

Mr. Kilgore offered the following amendment to Mr. Haynes' second amendment:

Amend the amendment by inserting before the word “two” the words “not to exceed.”

Mr. Whitfield moved to lay both amendments on the table.

Carried by the following vote:

YEAS—Abernathy, Allison, Barnett, Blassingame, Brown, Bruce, Chambers, Cooley, Darnell, Ferris, Fleming, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Johnson of Franklin, Killough, Lacy, Lynch, McCormick, McKinney of Denton, McLean, Murphy, Martin of Navarro, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Scott, Sessions, Spikes, Stockdale, Whitehead, Whitfield—40.

NAYS—Abner, Ballinger, Brady, Cline, Cooke of San Saba, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Dohoney, Douglas, Flanagan, Ford, Haynes, Kilgore, Lockett, McKinney of Walker, Mills, Mitchell, Moore, Morris, Martin of Hunt, Norvell, Nunn, Pauli, Rentfro, Reynolds, Smith, Stayton, Stewart, Wade, Waelder—32.

Mr. Wade offered the following amendment:

“The Legislature shall have power to levy an *ad valorem* tax upon all property in this State of not less than one-tenth nor more than one-fourth of one per cent., and a poll tax of one dollar on all male citizens between the ages of twenty-one and sixty years.”

Mr. Scott moved the previous question on the passage of the article.

On motion of Mr. Kilgore a call of the Convention was ordered.

Absent—Messrs. Blake, Johnson of Collin, and Weaver.

On motion of Mr. McKinney, of Denton, Mr. Johnson, of Collin, was excused.

On motion of Mr. Ramey, Mr. Blake was excused.

On motion of Mr. Haynes, Mr. Weaver was excused.

Mr. Scott, by leave, withdrew his motion for the previous question.

Mr. German offered the following amendment:

Amend section 4, line 18, by inserting the word "such" before the word "regulations."

Mr. Wade's amendment lost by the following vote:

YEAS—Ballinger, Brady, Cline, Cooley, Crawford, Davis of Wharton, Flanagan, Fleming, Ford, Haynes, Johnson of Franklin, Kilgore, Lockett, McCormick, McKinney of Walker, Mills, Mitchell, Morris, Martin of Hunt, Nunn, Pauli, Rentfro, Reynolds, Ross, Smith, Stewart, Wade, Whitfield—28.

NAYS—Abernathy, Allison, Barnett, Blassingame, Brown, Bruce, Chambers, Cooke of San Saba, Darnell, Davis of Brazos, DeMorse, Dillard, Douglas, Ferris, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Killough, Lacy, Lynch, McKinney of Denton, McLean, Moore, Murphy, Martin of Navarro, Norvell, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Sessions, Spikes, Stayton, Stockdale, Whitehead—42.

Mr. German's amendment adopted.

Mr. McCormick offered the following amendment:

Amend by adding the following after the word "annually," in line 54, section 6: "And said bonds shall be deposited with the State Treasurer for safe keeping, subject only to the order of the proper authorities."

Lost.

Mr. Brown offered the following amendment:

Amend section 4, line 20, by inserting after the word "thereof" the words "*provided*, that actual settlers on said lands shall have the same prior right of purchase, as is provided in section 6 of this article in relation to actual settlers on county school lands."

(Mr. Reagan in the chair.)

The question on Mr. Brown's amendment was put, and adopted by the following vote:

YEAS—Abernathy, Allison, Barnett, Blassingame, Brown, Bruce, Chambers, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, DeMorse, Dillard, Douglas, Ferris, Fleming, Flournoy, Ford, Gaither, German, Graves, Haynes, Henry of Limestone, Holt, Kilgore, Killough, Lacy, Lynch, McCormick, McKinney of Denton, McLean, Moore, Morris, Murphy, Martin of Navarro, Martin of Hunt, Nugent, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Scott, Sessions, Smith, Stewart, Stockdale, Whitfield—49.

NAYS—Ballinger, Brady, Cline, Cooley, Davis of Wharton, Dohoney, Flanagan, Lockett, McKinney of Walker, Mills, Mitchell, Norvell, Nunn, Pauli, Rentfro, Spikes, Stayton, Waelder, Whitehead—19.

Mr. Kilgore proposed to amend section 5, line 35, by inserting after the word "school" the following: "But the Legislature may provide for the instruction of the scholastic population in private schools not sectarian, where public schools can not be organized."

Lost by the following vote:

YEAS—Abernathy, Allison, Barnett, Blassingame, Brown, Bruce, Chambers, Cooke of San Saba, Darnell, Dillard, Dohoney, Douglas, Fleming, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Holt, Kilgore, Killough, Lacy, Lynch, McCormick, McKinney of Denton, McKinney of Walker, Murphy, Martin of Navarro, Martin of Hunt, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Scott, Sessions, Spikes, Stewart, Stockdale, Whitehead, Whitfield—43.

NAYS—Ballinger, Brady, Cline, Cooley, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Flanagan, Ford, Lockett, McLean, Mills, Mitchell, Moore, Morris, Norvell, Nugent, Nunn, Pauli, Ramey, Rentfro, Smith, Stayton, Wade, Waelder—27.

Mr. Martin, of Hunt, offered the following amendment:

Sec. 2. Amend by striking out in line 10 the words "one-half," and insert the word "all."

Mr. Stayton offered the following as a substitute for the amendment:

Amend section 2 by striking out the words "one-half of the public domain of the State," in line 10.

Mr. Kilgore moved to lay the amendment and substitute on the table.

A division on the question was ordered, when Mr. Stayton's substitute was tabled by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Blasingame, Brown, Bruce, Chambers, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Dohoney, Douglas, Ferris, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Kilgore, Killough, Lacy, McCormick, McKinney of Denton, McKinney of Walker, McLean, Mills, Mitchell, Moore, Martin of Navarro, Martin of Hunt, Nugent, Nunn, Ramey, Rentfro, Reynolds, Robertson of Bell, Russell of Wood, Scott, Sessions, Spikes, Stewart, Wade, Whitfield—47.

NAYS—Brady, Cooley, Crawford, Davis of Wharton, DeMorse, Dillard, Flanagan, Fleming, Ford, Lockett, Lynch, Morris, Murphy, Norvell, Pauli, Reagan, Robison of Fayette, Stayton, Stockdale, Waelder, Whitehead—21.

The question then recurring upon laying Mr. Martin's (of Hunt,) amendment on the table, the same was put, and amendment tabled by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Brady, Brown, Cline, Cooke of San Saba, Cooley, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Dillard, Dohoney, Douglas, Ferris, Flanagan, Fleming, Ford, Gaither, Graves, Haynes, Henry of Limestone, Holt, Kilgore, Killough, Lockett, Lynch, McCormick, McKinney of Walker, McLean, Mitchell, Morris, Murphy, Martin of Navarro, Norvell, Nunn, Pauli, Ramey, Reagan, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Scott, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead, Whitfield—57.

NAYS—Blasingame, Crawford, German, Lacy, McKinney of Denton, Mills, Martin of Hunt, Russell of Wood.—8.

Mr. Bruce stated that he was paired off with Mr. Nugent, but for which fact he would have voted against laying the amendment on the table.

Mr. Moore stated that he would vote "yea," but was paired off with Mr. Arnim.

Mr. Kilgore moved to adjourn to 2½ P. M.

Lost.

Mr. Kilgore offered the following amendment:

Amend section 5 by striking out the word "manner," line 38, and inserting the words "to the education of such population, in public or private schools, in such manner and under such regulations."

Mr. Dillard moved the previous question.

Mr. Flanagan moved a call of the Convention.

Call ordered.

Mr. Kilgore moved to adjourn till 2½ o'clock.

Lost.

Absentees—Messrs. Davis of Wharton, Johnson of Franklin, Sansom.

Mr. Stewart moved to excuse the absentees.

Mr. Stockdale made the point of order that no member could ask that another be excused without it being at the request of the absent member.

Point sustained.

Mr. Ballinger moved to adjourn to 2½ o'clock. Lost.

Mr. McCormick moved to suspend the call.

Lost.

Mr. Ferris moved to adjourn to 2½ o'clock P. M.

Ruled out of order.

The chair submitted to the Convention the question as to whether or not they would take up the special order for the hour.

The Convention refused to take up the special order.

Mr. Flournoy moved to suspend the call.

Lost.

Mr. McCormick moved to excuse absent members.

The chair ruled the motion out of order; that delegates could not be excused without their request.

Mr. McLean appealed from the decision of the chair.

Mr. Flanagan moved a call of the Convention upon the appeal.

The chair ruled that the call upon the appeal was out of order.

The question upon Mr. McLean's appeal was then put, and the Convention sustained the chair by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Blassingame, Brady, Brown, Bruce, Chambers, Cline, Cooke of San Saba, Cooley, Crawford, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Dohoney, Douglas, Ferris, Flanagan, Fleming, Flournoy, Ford, Gaither, Graves, Haynes, Henry of Limestone, Holt, Kilgore, Killough, Lacy, Lockett, Lynch, McCormick, McKinney of Denton, McKinney of Walker, Mills, Mitchell, Morris, Murphy, Martin of Hunt, Norvell, Nugent, Pauli, Ramey, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Scott, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead, Whitfield—64.

NAYS—Dillard, McLean, Moore, Nunn—4.

Mr. Stewart moved to suspend the call.

The Sergeant-at-arms reported that he had learned that Mr. Sanson had gone home.

On the question on Mr. Stewart's motion to suspend the call, the yeas and nays were called, and call suspended by the following vote:

YEAS—Allison, Ballinger, Barnett, Blassingame, Brown, Bruce, Chambers, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, Dillard, Dohoney, Douglas, Ferris, Fleming, Flournoy, Ford, Gaither, German, Graves, Haynes, Henry of Limestone, Holt, Kilgore, Killough, Lacy, Lynch, McCormick, McKinney of Denton, McKinney of Walker, McLean, Moore, Morris, Murphy, Martin of Navarro, Martin of Hunt, Norvell, Nugent, Nunn, Ramey, Regan, Robertson of Bell, Ross, Russell of Wood, Scott, Sessions, Smith, Spikes, Stewart, Wade, Waelder, Whitehead, Whitefield—54.

NAYS—Abner, Brady, Cline, Davis of Wharton, Flanagan, Lockett, Mills, Mitchell, Pauli, Rentfro, Reynolds, Stayton, Stockdale—13.

The previous question on the passage of the article was then ordered.

The question on Mr. Kilgore's pending amendment was then put, the yeas and nays called, and amendment lost by the following vote:

YEAS—Abernathy, Allison, Barnett, Blassingame, Brown, Bruce, Chambers, Cooke of San Saba, Dohoney, Douglas, Flournoy, Gaither, Graves, Haynes, Henry of Limestone, Holt, Kilgore, Killough, Lacy, Lynch, McKinney of Denton, McKinney of Walker, Murphy, Martin of Navarro, Martin of Hunt, Nugent, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Scott, Sessions, Spikes, Stayton, Stockdale, Whitehead—37.

NAYS—Abner, Ballinger, Brady, Cline, Cooley, Crawford, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Dillard, Ferris, Flanagan, Fleming, Ford, Lockett, McCormick, McLean, Mills, Mitchell, Moore, Morris, Norvell, Nunn, Pauli, Ramey, Rentfro, Reynolds, Ross, Smith, Stewart, Wade, Waelder—33.

Mr. German's amendment—viz.: Amend section 2, line 10, by inserting after the word "whatsoever" "all lands forfeited to the State by railroad companies"—was then lost by the following vote:

YEAS—Ballinger, Barnett, Blassingame, Brady, Bruce, Chambers, Cline, Cooley, Davis of Brazos, Davis of Wharton, DeMorse, Dillard, Ferris, Fleming, Ford, German, Graves, Haynes, Kilgore, Lacy, Lockett, McKinney of Walker, Mills, Mitchell, Moore, Morris, Martin of Hunt, Nugent, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Scott, Sessions, Smith, Spikes, Stewart, Waelder, Whitfield.—39.

NAYS—Abernathy, Abner, Allison, Brown, Cooke of San Saba, Crawford, Darnell, Dohoney, Douglas, Flanagan, Flournoy, Gaither, Henry of Limestone, Holt, Killough, Lynch, McCormick, McKinney of Denton, McLean, Murphy, Martin of Navarro, Norvell, Nunn, Pauli, Ramey, Reagan, Rentfro, Reynolds, Stayton, Stockdale, Waelder, Whitfield.—32.

The question then recurring upon the final passage of the article, the same was put and the article passed by the following vote:

YEAS—Abernathy, Allison, Ballinger, Barnett, Brown, Bruce, Chambers, Cooke of San Saba, Crawford, Darnell, Davis of

Brazos, Dillard, Dohoney, Douglas, Ferris, Fleming, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Kil-lough, Lacy, McKinney of Denton, McLean, Moore, Martin of Navarro, Martin of Hunt, Norvell, Nugent, Nunn, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Scott, Sessions, Spikes, Stewart, Waelder, Whitehead—44.

NAYS—Abner, Blassingame, Brady, Cline, Cooley, Davis of Wharton, DeMorse, Flanagan, Ford, Holt, Kilgore, Loekett, Lynch, McCormick, McKinney of Walker, Mills, Mitchell, Morris, Murphy, Pauli, Rentfro, Reynolds, Smith, Stayton, Stockdale, Wade, Whitfield—27.

Mr. Nugent moved to adjourn until 9 o'clock Monday morning.¹

FIFTY-EIGHTH DAY

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, November 11, 1875.

.....

Mr. Stewart offered the following resolution :

Resolved, That the Legislature, at its first and second general sessions, shall have power to provide for the annual assesment and collection of a special tax for the maintenance of public common free schools, the said tax not to exceed the general State tax, and when collected and paid into the State Treasury, to be by the Governor, Comptroller and Treasurer distributed to the several counties in this State, according to their respective scholastic population. And the said tax shall never be used by the State or counties for any other purpose than the maintenance of unsectarian public common free schools.

Referred to the Committee on Education.²

¹*Ibid.*, 608-616.

²*Ibid.*, 638.

CONSTITUTION OF THE STATE OF TEXAS.

ADOPTED 1875—RATIFIED 1876

ARTICLE VII.

Education—The Public Free Schools

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads, or other corporations, of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the State, and a poll tax of one dollar on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to the purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of this State, if the same can be obtained, otherwise in United States bonds; and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund.

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund;

and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education, or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the Commissioners' Court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The governor, comptroller and secretary of state shall constitute a Board of Education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS

SEC. 9. All lands heretofore granted for the benefit of the Lunatic, Blind, Deaf and Dumb, and Orphan Asylums, together with such donations as may have been or may hereafter be made

to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the Legislature may provide for the sale of the lands and the investment of the proceeds in manner as provided for the sale and investment of school lands in section 4 of this Article.

UNIVERSITY

SEC. 10. The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter so to be made, and all grants donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the State (together with such sums, belonging to the fund, as may now be in the treasury), shall be invested in bonds of the State of Texas if the same can be obtained; if not, then in United States bonds, and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; *provided*, that one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas,' " shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the University fund shall be sold under such regulations, at such times, and on such

terms, as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University lands, heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made, and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall also when deemed practicable, establish and provide for the maintenance of a College or Branch University for the instruction of the colored youths of the State, to be located by a vote of the people; *provided*, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart, and appropriated, for the endowment, maintenance and support of said University and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations, and the proceeds invested in the same manner as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.¹

.....
¹*Constitution of the State of Texas, adopted by the Constitutional Convention, begun and held at the City of Austin, on the Sixth Day of September, 1875, 14-15; Gammel's Laws of Texas, Vol. 8, (809-813).*

ARTICLE XI

Municipal Corporations.

.....

SEC. 10. The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at any election held for that purpose, two-thirds of the tax-payers of such city or town shall vote for such tax.¹

CONSTITUTIONAL CONVENTION, 1875

ADDRESS TO THE PEOPLE

AUSTIN, September 6 to November 24

The calling of a constitutional convention was recommended by the Democratic platform of 1873. When the holding of such a convention was submitted to the voters by the legislature in 1875, the question presented itself, whether the Democrats should act as a party in the selection of delegates. In his capacity as chairman of the State executive committee, John Ireland urged the holding of nominating conventions in each district. He recommended that the delegates be instructed on the more important questions that would come before the constitutional convention, such as immigration, education and internal improvements.² The convention, on October 27, voted to form a committee that should prepare an address to the people of Texas, "setting forth the leading principles of the new constitution, the reforms provided for by it, and its claims to the approbation of the freemen of Texas."

ADDRESS

Fellow Citizens:

The undersigned members of the Constitutional Convention, have been appointed a Committee by that body to address you in explanation of the new Constitution and Ordinances adopted by

¹*Ibid.*, 18-19, (820).

²*The State Gazette* (Austin), April 21, 1875.

it and now submitted to you for ratification. This we shall do as briefly as is consistent with the great importance of the subject.

Our Past and Present Condition

For six years the people of Texas have borne the burthens and oppressions inaugurated by the semi-military constitution of 1869. The evils fastened upon the State by that instrument are generally understood. Heavy taxation; an unwieldy and expensive judicial system, impoverishing to both the State and its counties; a vast political and partisan scheme under the pretence of sustaining free public schools; . . .

.....

County School Lands

The four leagues, or 17,712 acres, donated by the fathers of Texas to each county for educational purposes, and wrested from them by the constitution of 1869, are restored to the rightful owners, subject to disposition by the respective county courts for school purposes. This is a righteous act of justice.

.....

Education

On this subject great diversity of opinion prevailed in the Convention among the purest and most patriotic members of the body. All were anxious to place within the reach of every child in the State a sound, practical education for the duties of life; but as to the details, in view of our condition as a new and sparsely settled commonwealth of immense territory—an area larger than France, and more than five times as large as the great State of New York—the wisest and purest members of the Convention—men whose devotion to Texas cannot be questioned—found themselves confronted with grave difficulties, and naturally held variant views as to the means with which to accomplish a common object—the greatest good to those who are to succeed us, generation by generation, as the sovereign people of Texas.

Some were disposed, in their intense desire for early universal education, to lay a heavy tax on the people at once to maintain a general system of free schools for all. Others, no less ardent in

favor of the common object, realized that the parents and taxpayers of today had just emerged from four years' bloody and devastating war, followed by ten years of first a military and then an anomalous system of government, distasteful to the intelligent multitude, repugnant to their traditional ideas of liberty, and engendering distrust between the common citizenship of the State, distrust in the breasts of all towards those in authority, and altogether begetting in the minds of the most intelligent men a feeling of doubt and uncertainty, the very opposite of that which should exist in the heart of every citizen in a free State. Such being the case, the Convention, realizing that the State has on hand an interest bearing fund of about three million dollars; a patented land fund in the organized counties of about twenty million acres of land. now placed on the market and being taken up by actual settlers; an additional land fund of many million acres in the unorganized counties and the unorganized territory; and beyond all this munificent grant, one-half of all the unappropriated public domain of the State; the whole amounting in round numbers to over sixty million acres, decided that it would be unwise and unjust to impose on the parents and taxpayers of to-day an onerous money tax to maintain at once a gigantic system of free schools. After the most exhaustive discussion of the subject, and in view of this splendid future, a majority of the Convention determined to limit the present taxation on the people in support of free schools to one-fourth of the annual revenue of the State, and a poll tax of one dollar on each male inhabitant between the ages of twenty-one and sixty years, which, added to the annual interest on the permanent school fund, will now amount to the annual sum of about \$775,000, so long as the general revenue shall remain as it now is.

Beyond all this, it must be borne in mind that the 17,712 acres of land belonging to every county in the State is an additional fund for educational purposes. Some of the counties have lands worth to-day five dollars to ten dollars per acre. Others are less fortunate, but to all this grant is a material auxiliary to the resources for common school education, and provision is made for bringing it into market and preserving its principal

as a perpetual fund, the interest being annually used for school purposes by the counties themselves.

.....

Conclusion

Making no pretense to perfection; acknowledging that neither one of us approves every item in the new Constitution; that each one of us may have opposed some particular clause or article, favoring other proposed clauses which failed to be adopted; realizing that Texas is peculiarly and differently situated from any other State in the Union, owing to her own public domain, with a million and a half of people one-third of whom are comparative strangers to our peculiar jurisprudence and complex system of land titles; that we have so recently recovered the right of self-government, after years of misrule and misfortune; while some of us unqualifiedly indorse the essential principles of the new Constitution, all agree that it is a vast improvement on the present one, and will bring great relief to the people. And as an easy and simple mode is provided for its amendment in any particular, where experience may prove its provisions unwise—as citizens of the State, devoted to its welfare, and representatives of the people, recognizing our responsibility before the judgment bar of an enlightened commonwealth of freemen, we earnestly appeal to you, fellow-citizens, to turn out *en masse* on the day appointed, Tuesday, February 15, 1876, and vote for the ratification of the Constitution.

JOHN HENRY BROWN, of Dallas, Chairman,
 JOHN H. REAGAN, of Anderson,
 JAMES C. GAITHER, of Falls,
 JOHN W. WHITFIELD, of Lavaca,
 W. B. WRIGHT, of Lamar,
 L. W. MOORE, of Fayette,
 ED. CHAMBERS, of Collin,
 L. S. ROSS, of McLennan,
 WM. P. McLEAN, of Titus,
 WM. NEAL RAMEY, of Shelby.

While we do not concur in all the particulars of the address of the Committee, we, nevertheless, join in recommending the

adoption of the new Constitution by the people as one much to be preferred to that now existing.

F. S. STOCKDALE, of Calhoun,
JOHN S. FORD, of Cameron.¹

DEMOCRATIC STATE CONVENTION, 1876

GALVESTON, January 5-7

A consultation of Democrats was called to meet at Austin on November 10, 1875, by the new chairman of the State executive committee, Joseph D. Sayers. At this consultation it was agreed that the State convention should be held at Galveston on the first Wednesday in January, 1876. A few days later a formal call was issued: "As important an election as was ever held in a free country will be before you. Not only the selection of proper officers—thereby ensuring an honest and successful administration—but also the consideration of a new organic law, and its adoption or rejection, will devolve upon you." Whether it should indorse the new constitution was the great issue before the convention.

.....
PLATFORM

We, the Democracy of Texas, in convention assembled, hereby declare our principles and policy, and ask for them the popular approval:

.....
2. The Democracy now, as in the past, adhering to its policy of maintaining an efficient system of general education, declares it to be the duty of the legislature of the State to speedily establish and make provision for the support and maintenance of public free schools, and to this end to exercise the whole power with which it is vested.²

¹Winkler, E. W. *Platforms of Political Parties in Texas*, 163-173; *The Daily State Gazette*, Austin, November 25, 1875.

²*Ibid.*, 173-176; *Houston Daily Telegraph*, January, 6-8; *Galveston Daily News*, January 6-7, 1876.

REPUBLICAN STATE CONVENTION, 1876

GALVESTON, January 12-14

"After consultation with many Republicans of Texas and members of the State Central Committee," said Chairman E. J. Davis, in a call dated, Austin, December 13, 1875, "it has been deemed advisable to hold a convention of Republicans of the State to decide the policy of the party in the approaching canvass for State officers and the ratification or rejection of the constitution framed by the Constitutional Convention."

PLATFORM

Resolved, 1. That we denounce the Constitution framed by the late convention at Austin, and now submitted to the people of Texas for ratification, as unfit to become the organic law of the State for the following, amongst other, reasons:

.....

(2) Because the said Constitution seeks to cheat the people with specious provisions in relation to schools, while it utterly fails to secure an efficient system of free public schools, which is the greatest necessity of the State, the surest guaranty of progress, and the best defense of liberty.

.....

8. That because of the inefficiency and failure of the present State administration to enforce the laws in this State and protect citizens in their rights, it becomes necessary for us to call on the general government to assist, so far as the Constitution and the laws of the United States will permit, in maintaining order and protecting our citizens; and we further request the President of the United States to instruct the civil officers of the government of the United States, within this State, to see that the Kuklux and other protective laws are duly enforced, and that school-house burners be brought to punishment.

9. That the Republicans will expose the trick on the part of the Democracy to prevent the education of the poor of the State, and that the attention of the civil officers of the United States government will be called to the act of Congress readmitting Texas into the Union under certain conditions, viz.: that the constitution of Texas shall never be so changed as to deprive any

citizen or class of citizens of any of the school rights guaranteed therein, and ask that said act be enforced.¹

MESSAGE OF GOVERNOR COKE

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, APRIL, 1876.

*To the Senate and House of Representatives
of the Legislature of Texas:*

.....

PUBLIC FREE SCHOOLS

No more important subject will claim your attention than the establishment of a system of public free schools, a duty made incumbent on you by Sec. 1, Art. vii., of the Constitution. Every instrument of organic law ever framed and enforced in Texas, under Anglo-American domination, from the Constitution of 1836 down to the one just adopted, has enjoined this duty upon the government of Texas, and has made munificent provision for its fulfillment out of the only resources we have had to draw on—our public domain. The declaration of independence, promulgated by the Fathers of the Republic in March, 1836, recites the failure of the Government of Mexico to establish any system of public education as one of the grievances leading to the great political event announced by that instrument in these words: "It," (the Government of Mexico) "has failed to establish any system of education, although possessed of almost boundless resources (the public domain), and although it is an axiom in political science, that unless people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government." The political axiom thus referred to has, since the time it was recognized by the wise men who framed that declaration by the extension of the right of suffrage, become vastly more significant than it was at that time, and the differences of opinion formerly existing as to the expediency of public education have vanished in the presence of

¹*Ibid.*, 176-179; *Houston Daily Telegraph*, January 13-15, 1876.

the dangers to republican government and popular liberty from uneducated and unenlightened universal suffrage.

With universal suffrage we must have universal intelligence, if we would perpetuate free government, and a system of public education will alone accomplish it. The public sentiment of the enlightened and civilized world has crystallized in favor of public education, and the people who fail to recognize the fact and act accordingly, will find themselves laggards in the general march of improvement. Every State in the Union is striving to perfect a system of public education, and Texas must not do less.

You are required by the clause of the Constitution referred to "to establish and make suitable provision for the support and maintenance of an *efficient system* of public schools." The fund known as the available school fund, consisting of one-fourth of the general revenue of the State, all the poll taxes, and the interest on the bonds in which the permanent school fund is invested, constitute the means placed at your disposal annually for carrying out the provisions of the Constitution.

From these sources the Comptroller estimates the following receipts for the year beginning September 1, 1876:

One-fourth State revenue.....	\$350,000 00
Poll taxes	140,000 00
Interest on United States bonds.....	30,000 00
Interest on railroad bonds.....	135,000 00
	\$655,000 00

It may be remarked that the estimate is based on an improved assessment and collection of the State revenue, and will be borne in mind that if the expenditures or debts incurred in any one year exceed the amount of the available school fund, there is no constitutional mode of paying the excess, because only the available school fund, whatever that may be, is allowed to be expended, and that fund is set apart each year to maintain the schools for that year, and deficiencies of preceding years cannot be paid out of it. The report of the Superintendent of Public Instruction will inform you as accurately as it can be arrived at of the number of the scholastic population in the State, between the ages of six and eighteen years, as fixed by the old Constitution. It will

also inform you of the cost *per capita* per month of free tuition under the old system.

Bearing in mind the amount of the fund provided for this purpose and the cost per month of each scholar, the scholastic age may be established so as with reasonable certainty to include the number that can be provided for with our resources and no more. To be efficient, no more should be attempted than can be done well. I suggest five consecutive months as the annual school term, and eight years as the lowest age of the scholar; the limit above that, of course, to be regulated by the number which will be included between the two. Thirteen will, it is believed, be found at least as high as you can go with a five months term. The rudiments of a plain English education only should be attempted. In sparsely settled portions of the country, the number of children within the scholastic age, in neighborhoods where schools are needed, will not be sufficient frequently alone, to form a school which will maintain a teacher. It hence, will be necessary that our general system shall co-operate with the private enterprise in this line; but it should be borne in mind in this connection that your constitutional duty is to establish and maintain an "*efficient system of public free schools;*" and while under a co-operative system, scholars outside of the scholastic age would be admitted into the schools on such terms as would be agreeable to the proprietors or teachers of the schools, I would regard it indispensable that the school be subject to all the provisions of the law and the regulations of the board of education, touching public free schools. In this connection, your attention is directed to Sec. 10, Art. XI, new Constitution, which authorizes you to constitute any town or city an independent school district.

The organization of the system should not be encumbered with the multitude of petty officers which has so disgusted the people with the old system. The County Courts might be constituted county school boards. The assessor of taxes might be required to take the scholastic census annually, and return it with their rolls to the Comptroller, as a basis for the distribution of the funds between the counties by the board of education, filing also a duplicate with the County Court.

The system should be as flexible as possible, leaving to the board of education established by the Constitution, consisting of the Governor, Comptroller and Secretary of State, much discretion and authority over the whole subject.

If a system is inaugurated, simple in its operation, which covers well the ground it attempts to occupy, pays what is promised to teachers promptly when due, and is maintained as a system of public free schools in the sense of the Constitution, in contradistinction to an annual distribution of funds among private teachers, I believe it a germ from which, as our resources increase, and as aided by our splendid land endowment now coming into market, will grow a system of public education, which, in the course of time, will cover the entire educational field in Texas.

A system, which, having grown up among our people from a small beginning, its roots and fibres will have permeated our social system, the people will have been educated to an appreciation of its benefits, and will cherish and foster it. The public mind has not recovered from the rude shock experienced from the attempt to force upon the State the unsuitable, extravagant and onerous system provided for in the old Constitution, with its brood of devouring officials, and needs to be led by slow and easy approaches through practical results, which all can see, to the realization of the benefits of a system suitable to their condition and within their ability to maintain.

The Board of Education being composed of officers who, with their clerks, have already all they can do, have devolved on them by the new Constitution the duties formerly pertaining to the office of Superintendent of Public Instruction. The correspondence of this Board, as well as its other labors, will be heavy, and to perform them and keep its records the assistance of a first class clerk will be necessary, which you are requested to provide for.

The annual report of the Superintendent of Public Instruction is herewith furnished, and recommended to your attention. The statistical and other information it contains will be valuable in your deliberations upon the organization of a new system. The labors of this officer in his department, now abolished, have

been arduous, and his position beset with many difficulties; but his discharge of duty has been faithful, and as efficient and satisfactory in results as the adverse circumstances surrounding him would permit.

.....

Very respectfully,

RICHARD COKE.¹

SCHOOL LAW OF 1876

An Act to establish and provide for the support and maintenance of an efficient system of Public Free Schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor, Comptroller, and Secretary of State, as the Board of Education, shall distribute the available school fund annually to the several counties of the State, on the basis of their scholastic population, prior to September first of each year, on which day each scholastic year shall begin.

Sec. 2. The Governor of the State shall be President of the Board of Education. A majority of said Board are authorized to perform all duties devolved by law on said Board.

Sec. 3. Said Board, if, in their judgment, the educational interests of the State require, may appoint some competent person as Secretary, who shall receive an annual salary of fifteen hundred dollars (\$1500), to be paid out of the available school fund. He shall take the oath of office prescribed by the Constitution, and perform such duties as may be required by the Board.

Sec. 4. Said Board shall keep a complete record of all its proceedings, which shall be signed by the President of the Board at each session thereof. They shall cause to be filed all papers, reports, and documents transmitted to them by school officers or others, and keep a complete index thereof; they shall counsel and advise with county school officers and teachers, as to the best manner of conducting schools throughout the State, and shall give such instructions, not inconsistent with this act, to county school officers in the interest of common-school education as they

¹Message from the Governor of Texas to the Fifteenth Legislature, First Session, 1876, 50-53.

may deem advisable. They shall, from time to time, address circular letters to county school officers, giving advice as to the best manner of conducting schools, constructing school-houses, furnishing the same, and procuring competent teachers. They shall cause to be printed, in pamphlet form, all school laws in force after this session of the Legislature, and a like publication after each session during which amendments may be made or new laws enacted, which shall be distributed to school officers and teachers throughout the State.

Sec. 5. They shall, one month prior to the meeting of each regular session of the Legislature, and ten days before the meeting of any special session having authority under executive proclamation to legislate on matter pertaining to public free schools, make a full report of the condition of public free schools throughout the State; the whole number of white and colored schools, which have been taught in each county in the scholastic year; the number of pupils, white and colored, in attendance receiving tuition free of charge; the number paying tuition; the number of white and colored children within scholastic age in the State; the number of scholastic age and less than eighteen years old, and how many of said number are unable to read; the number within scholastic age who have not attended school; the number within scholastic age unable to read; the amount of public free school fund; how its revenue for the previous year has been distributed and expended; the number of public free school-houses in each county, with a description of their kind and condition, together with such other information and suggestions as they may deem important for promoting education; which report shall be laid before the Legislature the first week of each session that may have power to legislate on school affairs. Whenever said reports are ordered to be published, two thousand copies shall be presented (printed), in pamphlet form, for furnishing the Legislature and such school officers and libraries in the State as the Board of Education may direct, and to Superintendents of each State and Territory.

Sec. 6. Said Board shall furnish to county school officers all blanks and forms necessary in making reports, or in carrying

out such instructions as they may give them, not inconsistent with this act.

Sec. 7. Said Board shall require from school officers and teachers such reports necessary to school affairs and school funds as they may deem proper for collecting information for legislative consideration.

Sec. 8. On or before the first day of September of each year the Board of Education shall apportion the available school fund appropriated by the Legislature to the several counties in the State, according to scholastic population, upon the latest and most reliable date; and they shall issue certificates to the County Treasurer of each county for the amount of the available school fund to which said county is entitled, subject to the restrictions herein contained. They shall also furnish an abstract of said apportionment to the Comptroller of Public Accounts, and to each County Judge in this State a statement of the amount apportioned to his county.

Sec. 9. The Board of Education shall issue to school officers such instructions in the interest of public free schools as they may deem expedient, when not inconsistent with the provisions of this act.

Sec. 10. The Board of Education shall be allowed all necessary expense for books, postage, and printing and stationery required for their office.

Sec. 11. Whenever, in this act, the words "school officers," or "officer," are used, the same shall be construed to include any officer of this State upon whom is devolved, by law, a duty pertaining to public free schools, as well as such officers as are created by this act.

School Fund.

Sec. 12. One-fourth of the occupation and ad valorem taxes assessed since March 30, 1870, exclusive of the costs of collection; one-fourth of all the ad valorem and occupation taxes that may hereafter be collected, exclusive of the costs of collection; all poll taxes due since March 30, 1870, uncollected and which may be collected, exclusive of the costs of collection; all poll taxes hereafter to be collected, exclusive of the costs of collection; the interest arising on any bonds and funds, and all the interest de-

rivable from the sale of lands hereinbefore set apart for the permanent school fund, belonging to the permanent school fund, and which now are or may hereafter come into the State Treasury, shall constitute the available school fund, and shall be appropriated for the establishment, support and maintenance of public free schools.

Sec. 13. All conveyances, devises and bequests of property, made by any one for the benefit of public free schools, for any county, city or town, shall, when not otherwise directed by grantor or devisor, vest said property in the County Judge of the county, or the Mayor of said city or town, and their successors in office, as the trustee for those to be benefited thereby, and the same shall, when not otherwise directed, be administered by said Judge or Mayor, subject to the approval of the Board of Education.

Sec. 14. The available public free school fund shall be distributed to school communities in the several counties, to be organized on the application of the parents and guardians of those to be benefited thereby to suit their convenience, without reference to geographical lines within the counties.

Sec. 15. The available public free school fund shall be appropriated in each county for the education alike of white and colored children, and each race shall receive its just pro rate, as far as practicable, in each county, according to the number of children of each race within scholastic age.

Sec. 16. No school in which sectarian religion is taught shall be entitled to any portion of the available public school fund, nor shall any form of religion be taught in any public free school in this State.

State Comptroller's Duties in Regard to School Fund

Sec. 17. The Comptroller of the State shall keep a separate account of the amount of available school funds arising from every source; he shall, on or before the meeting of each regular session of the Legislature, report the amount of the available school fund that he may estimate will be received for the next two years, and which may be subject to appropriation for the establishment and support of public free schools, and the several

sources from which they accrue; he shall draw his warrant on the State Treasurer in favor of any County Treasurer, or in favor of any County Collector of Taxes, in the manner and under the circumstances provided by this act for the amount of such fund due his county, on presentation of a certificate from the Board of Education issued to the County Treasurer, showing the amount to which such county is entitled, duly endorsed by the County Treasurer.

Duties of State Treasurer Pertaining to School Fund.

Sec. 18. It shall be the duty of the Treasurer of the State to receive and hold as a special deposit all school moneys, and he shall keep a correct account of the several sources from which they accrue; he shall report to the Governor thirty days before the meeting of any session of the Legislature, which may have power to legislate regarding public school funds, and at such other times as the Board of Education may require, the condition of the permanent and available school fund; the amount of each in the Treasury, and the manner and amount of disbursement since his last report. He shall pay out the available school fund whenever applied for, only on a warrant of the State Comptroller issued on certificates of the Board of Education, on each of which shall be endorsed the name of the party to whom it was payable. He shall, under no circumstances, use any portion of the permanent or available school fund in payment of any warrant drawn against any other fund whatever.

Scholastic Age.

Sec. 19. All children between the ages of eight and fourteen years shall be entitled to the benefit of the available free school fund, under this act, without regard to race or color.

Scholastic Census.

Sec. 20. It shall be the duty of the Assessor of Taxes of the several counties in the State to take a careful census of the children in their counties, who will be of the age of eight and not over the age of fourteen years on the first day of September suc-

ceeding the taking of such census, which census shall contain the name, sex, age and race. A separate census shall be made out and returned by the Assessor, embracing the population within scholastic age within the limits of each incorporate city and town in his county, which shall contain the same data required in making the general census. All children known to the Assessor to contain an admixture of African blood shall be returned as colored. Said list shall, after being sworn to by the Assessor, be returned to the Clerk of the County Court, together with two abstracts of the same, showing the number of children, white and colored, male and female, and such other data as may be required, on the forms furnished by the Board of Education, on or before the first day of July in each year; and shall not receive any compensation unless the same is properly made out and returned on said day. One of the said abstracts shall be forwarded to the Board of Education, and the County Clerk shall retain the other and record it in a separate book, after it shall be approved by the County Judge. The copy of said abstract shall be forwarded by the County Judge to the Board of Education immediately after the completion of the assessment of the county, as required by law, and prior to August first of each year. No allowance shall be made by the Comptroller for any assessment of taxes in any county until the County Assessor shall exhibit and file with him a certificate from the Clerk of the County Court of his county, that said census, reports and abstracts have been correctly taken, as required by law, approved by the County Judge, and filed by said Assessor. And said Assessor shall receive for the enumeration of such scholastic population: for the first one thousand, four cents per capita, and two and one (half) cents for all numbers over one thousand for each and every child so enrolled on said lists, to be paid out of the common free school fund by the County Treasurer, on the certificate of the County Judge, showing how much he may be entitled to receive. The County Clerk, for services required by this act, shall be allowed such compensation as may be allowed by the Board of Education, not to exceed one-eighth of the amount allowed for like labor under the other laws regulating the fees of office.

Sec. 21. Assessors, in taking a scholastic census, shall in all cases make careful inquiry as to the age of the child, availing themselves of all accessible information, and may, in their discretion, require the parent or guardian to answer under oath upon the question of age.

County Treasurer

Sec. 22. The Treasurers of the several counties in this State shall be Treasurers of the available public free school fund for their respective counties; and they shall be allowed only one per cent. commissions for disbursing the same, but shall be entitled to no commissions for receiving or collecting the same; provided, that should the Collector of Taxes of the county make default in paying over to the Treasurer on the certificate of the Board of Education, in a reasonable time, such Treasurer shall be allowed in settlement of his account such exchange for collecting the pro rata distributive portion of school fund due his county as may be allowed and certified to by the Board of Education.

Sec. 23. On receipt of notice from the Board of Education of the amount of State fund apportioned to the county, the County Treasurer shall execute bond for double the amount thus apportioned, with two or more good securities, to be approved by the County Judge, conditioned that he will safely keep and faithfully disburse the school fund according to law, and pay such warrants as may be drawn on said fund by competent authority. No certificate entitling said Treasurer to receive said pro rata of the school fund shall be issued by the Board of Education until a certificate has been received by said Board of Education from the County Judge, that the bond herein required of the Treasurer has been executed according to law, and that it has been filed and approved by the County Judge; provided, that such bond, when once executed by the County Treasurer, shall entitle him to receive the pro rata of the school fund for his county annually, until otherwise ordered by the Board of Education.

Sec. 24. The County Treasurer shall keep a record of all school funds received by him, showing the year for which the

same are to be disbursed, and shall credit school communities, after numbering and otherwise designating such communities, with such amounts as may be apportioned to them by the County Judge. All balances of the general fund not appropriated for the current year shall be carried over by the Treasurer as part of the general fund for the county for the succeeding year, and balances unexpended or unappropriated for a school community shall be carried over for the benefit of such school community if it be reorganized for the following year; and if it be not reorganized, shall be added to the general fund for distribution for the general benefit of the county at large.

Sec. 25. That where there is any money or other property in the County Treasury to the credit of any school district, as constituted under the law repealed by this act, upon application to the County Judge by the trustees of any school community, incorporated city or town composing a part of said district, it shall be the duty of said County Judge to notify the trustees of the school communities composing the balance of said district to appear before him on a day named in said notice; and upon said date he shall enter up his order, making an equitable partition and distribution of said money and other property to the various communities, incorporated cities and towns, composing said original district; a copy of which order shall be delivered to the County Treasurer for his guidance, and the fund so distributed shall constitute a part of the available school fund for said communities; provided, that this section shall not be construed to authorize the sale of any real estate already appropriated or purchased for public school purposes, situated in an incorporated city or town, constituting a separate school district, until the consent of the municipal authorities has been obtained; and provided further, that out of said money in the County Treasury to the credit of any school district, the amount or amounts due teachers to 31st of August, 1876, under the law repealed by this act, shall be first paid before said money or property shall be partitioned and distributed to the various communities.

Sec. 26. It shall be the duty of the Sheriffs or Tax Collectors of the several counties to pay over to the County Treasurers thereof all money collected by virtue of any school tax heretofore

levied, and all persons who, while holding the office of Sheriff, have collected such money and have not accounted for the same, shall be liable on their official bonds therefor. And all moneys in the hands of the Treasurers of the School Boards, of the Tax Collectors and the County Treasurer, that have been, or may hereafter be, collected or paid into the County Treasury, are hereby placed under the control of the County Commissioners' Court, and shall be paid out on warrants drawn by their order for such purposes as are now, or may hereafter be, provided by law. And the County or District Attorney shall institute suit against any and all persons who fail or refuse to comply with the provisions of this section.

Sec. 27. Upon receipt of a certificate from the Board of Education, countersigned by the Comptroller of Public Accounts, stating the amount of the available school fund to which any county is entitled, the Treasurer of such county shall present the same to the Collector of Taxes of his county, who shall pay the amount therein specified, from time to time, as taxes payable in the State Treasury, which payment shall be receipted for on the certificate, and also a receipt shall be given to the Collector; and when the whole is collected, the County Treasurer shall deliver the said certificate to the Collector of Taxes, in whose hands it shall be a voucher for so much money in his settlement with the Comptroller of the State.

Board of School Examiners.

Sec. 28. It shall be the duty of the County Judge to appoint a Board of School Examiners for his county, for each scholastic year, consisting of three well educated citizens of the county, who shall examine, before their employment, all teachers of public free schools, for which service they shall receive from each applicant examined by them three dollars. Every teacher, before being employed to teach any of the public free schools of this State, must obtain from the County Judge, on the report of the Board of School Examiners, a certificate of qualification; and no teacher can make a legal contract to teach a public free school without first obtaining such certificate.

School Communities.

Sec. 29. Parents and guardians, or next friend, of any minor, residents of any county of this State, on or after the first Monday of January, and up to the beginning of the next scholastic year, in order to avail themselves of the benefits of the available school fund for their county, for the scholastic year, beginning the next succeeding September, may organize themselves into school communities, embracing such population as may agree to avail themselves of the benefits of the available public free school fund, on the following terms, viz: They shall make out a list to be signed in person by such parents and guardians as desire to avail themselves of the available school fund; which list shall include the names and ages of children to be instructed, who may be within the scholastic age, on the first day of the next September, which names of children shall be made in alphabetical order, which list shall also include all minors within scholastic age in said community, who have no legal guardians; said list, together with an application to the County Judge, stating that they desire, in good faith, to organize a school at such place as they may designate, shall be filed with the County Judge; said application shall also show the capacity of the school houses, and school conveniences, if any. The Assessor, when taking the scholastic census, shall also ascertain to what community each child belongs; and if it appears that any child is not included in any community list, the County Judge shall assign such child to the most convenient and appropriate community, and set, apart to said community such a child's pro rata of the fund.

Sec. 30. The application to establish a school, in case there be a school house reported, shall ask that the pro rata of the available school fund, properly due to the number of children reported, be credited to said school community.

Sec. 31. On receipt of such a petition from a school community, the County Judge shall compare the list of pupils presented in such application with the census made out by the County Assessor, and if the names of the children within scholastic age appear on said list, or if proof be made that they should have been placed on said list, and the County Judge be satisfied that the petition is in good faith, he shall enter an order, in a book

kept for that purpose, sanctioning the establishing of said school community, and shall designate it by its name and number.

Sec. 32. School communities may be organized, when population will permit, for separate male and female schools, or for mixed schools, male and female, as the necessities and condition of each community may require. Three trustees shall be appointed by the County Judge for each community, who shall discharge such duties as are herein prescribed, or which may be prescribed by the Board of Education, and who shall see that the school for which they are trustees shall be conducted in accordance with the provisions and limitations of this act.

Sec. 33. After the receipt from the Board of Education of a certificate showing the amount of State school fund due the county for the next succeeding scholastic year, the County Judge shall apportion the same to the scholastic population of his county, according to the last census taken by the Assessor, as the same may have been corrected by inserting or omitting names, and direct the County Treasurer to credit the school communities, by number and name, with the amount of said school fund to which their scholastic population may be entitled in the aggregate.

Sec. 34. The trustees of any school community, already provided with a school-house, desiring to avail themselves of the benefits of a public free school, shall employ a teacher holding a certificate of competency, issued by the Board of Examiners herein provided for, to teach school for such community at such time during the scholastic year as they may designate, having due regard for the convenience of the community: provided, however, that every school shall be taught, as nearly as practicable without intermission for the period contracted for with the teacher.

Sec. 35. The trustees of each school community shall contract with the teacher to continue the school for the longest time they may be able to agree, for the benefit of the pupils within the scholastic age, for the pro rata of the school fund to which such community may be entitled, permitting said teacher to instruct, in said school, pupils over or under the scholastic age, and to teach branches not herein prescribed as the public school course of study, at such rates as he and the patrons may agree upon;

provided, that no school with one teacher shall exceed forty pupils, except by the consent of the trustees.

Sec. 36. The contract between the trustees and the teacher shall be in writing, and shall specify the number of months the school is to be taught, and the wages per month. After being signed by the trustees and teacher, it shall be filed with the Clerk of the County Court, who shall safely keep the same; provided, teachers shall not receive more than one dollar and fifty cents per month for each pupil within the scholastic age in any school community.

Sec. 37. The Board of Education shall provide teachers with a register, in which the names, ages, studies, and daily attendance of pupils shall be recorded; and with the blank forms to enable them to make proper reports through the County Judge to the Board of Education about such matters as the Board of Education may instruct.

Sec. 38. The amount contracted by trustees to be paid a teacher shall be paid on a check drawn by a majority of the trustees on the County Treasurer and approved by the County Judge. The check shall, in all instances, be accompanied by the affidavit of the teacher that he is entitled to the amount specified in the check as compensation under his contract as a teacher.

Sec. 39. A child within scholastic age entered at one public school shall afterwards receive no benefit of the school fund by attending another public school during the scholastic year.

Sec. 40. A teacher's certificate shall be canceled on account of such misconduct or immorality as the Board of Trustees shall report to the County Judge disqualifying him, in their opinion, for the instruction of children.

Sec. 41. County Judges shall be paid for the services required of them under this Act such amount as may be allowed by the Board of Education, not to exceed one hundred dollars for any scholastic year, to be paid out of the available school fund.

Sec. 42. When the nearest school community for children within scholastic age residing near a county line is situated in an adjoining county, such school community may receive such children, for whose tuition the teacher shall be paid by the County Treasurer of the county in which said children reside, on presentation of the account of the teacher, certified to by the Board

of Trustees of the community school, and approved by the County Judge of the county in which the children reside. Such payment shall be made according to the pro rata of the school fund for distribution in the county where such children reside; and in all such cases, notice that said children are attending school out of the county of their residence shall be given, in writing, to the County Judge of the county in which they reside during the first four weeks of the session. Such notice, after being received by him, shall be filed with the Treasurer of the county in which said children reside.

Teachers.

Sec. 43. Any one desiring to teach a public free school shall, unless known to the County Judge, present a certificate from the Justice of the Peace of the precinct in which he or she desires to teach, or in which he or she may reside; or, in case the applicant has acquired no residence in this State, then some other certificate satisfactory to the County Judge, that he or she is a person of good moral character and of correct, exemplary habits. The County Judge shall, thereupon, unless satisfied that some good cause exists for refusing such certificate, convene the County School Board of Examiners, and direct an examination of the applicant on the following branches, viz.: Orthography, reading, writing, English grammar, composition, geography and arithmetic.

Sec. 44. On report by the Board that the applicant is competent to teach, the County Judge shall cause the same to be filed by the Clerk, and shall issue a certificate of competency to the teacher, authorizing him to contract with trustees of any school community to teach a school as contemplated by this act; which certificate shall be valid in the county where issued for the current scholastic year, and may be renewed by the County Judge for any subsequent year without examination, if the Judge be satisfied of the propriety of such renewal.

Sec. 45. The time for teaching public free schools shall be at such seasons of the year as may be fixed by the Trustees of each community, who, in determining the same, shall be guided by the convenience or interests of the parents and guardians, so as to secure the largest attendance of scholars with the least injury to home interests.

Sec. 46. Public free schools shall be closed on every Saturday, on Christmas and New Year's Day, on national or on State Thanksgiving Day, on the twenty-first day of April (the anniversary of the battle of San Jacinto), and on every national holiday. The session shall continue seven hours each day, and may continue longer by agreement with teacher and trustees.

Sec. 47. It shall be the duty of teachers to keep an accurate record of daily attendance of each pupil, and all other statistics required by the Board of Education necessary to make a complete report at the end of the term, which shall be filed with duplicate abstracts thereof with the Clerk of the County Court, one of which shall be forwarded by the County Judge to the Board of Education.

Sec. 48. Teachers, on the organization of their schools, shall determine the books of instruction to be used, subject to the approval of their community trustees, having due regard to the convenience of the parents with regard to books already purchased.

School-houses.

Sec. 49. When a school community, organized on the application of parents and guardians as herein provided, has no school-house, and a majority of its members are willing to assist, with their private means or labor, in building one, and shall donate a school-site for neighborhood public free school purposes, and deliver a deed therefor to the County Judge, executed to him and his successors in office in trust for public free school purposes, and shall pay for the registry of the same, they shall state the amount they propose to invest of their private means, and the value of the labor and material they propose to furnish free of charge for the erection of said house, and ask that the pro rata of the school fund to which the children in such community would be entitled may be set aside to assist in building said school-house. And the trustees of school communities, upon the order of the County Court, or the municipal authorities of any city or town constituting a separate school district, are hereby authorized and empowered, when deemed advisable, to sell any property belonging to said school community to the highest bidder, for cash or on time, as they may see proper;

and apply the proceeds to the purchase of necessary grounds, or to the building, repairing or renting of school-houses.

Sec. 50. Upon receiving the application described in the foregoing section, the County Judge may enter an order granting said application; and notify the County Treasurer to credit such school community with the fund that may be apportioned thereto for building a school-house; provided, that the amount of money, labor, and material subscribed, together with the pro rata of the available school funds for one year to which said community would be entitled, would be sufficient to erect a comfortable school-house, with a capacity adequate to accommodate the children that may belong to said school community; provided, also, the community shall furnish one-half the amount necessary to build the house.

Sec. 51. Every school-house erected under the provisions of this act shall be erected under a contract for building, made with the school trustees of the school community who shall have control and direction of the work; and all accounts for labor and material furnished for said schoolhouse shall be approved by them, and paid out of the fund apportioned to the school community for building purposes, on warrant of County Judge; but no such account shall be paid until the house is completed, unless the County Judge be fully satisfied, from securities deposited with the County Clerk for the use of the public school fund of the county, that the money, work, and material subscribed will be forthcoming when required in the progress of the work; provided, that nothing contained in this act shall be so construed as to prevent any school community from using the funds indicated in this section for being used in the purchase as well as the building of a school-house when the provisions of this section are complied with in reference to the title to the same.

Sec. 52. When the trustees of any school community not having a public school-house shall determine it to be to the interests of the community they represent to rent or lease a house for school purposes instead of building one, they are authorized to rent or lease the same for the scholastic year; the rent so contracted to be paid by the County Treasurer out of the school fund to which the children in such community would be entitled, upon the warrant of said trustees, approved by the County Judge;

provided, the amount of rent so contracted shall not exceed six dollars per month for a suitable house, to be adjudged of by said trustees; which house so rented, for the time, shall be, as shall also each and every other community school-house, under the control of the trustees of the school community for school purposes, and for such other uses for the convenience of the neighborhood as may not interfere with school interests, but subject to the discretion of the school trustees. All school-houses erected under the provisions of this act shall be subject to the control of the trustees of the school community for whose benefit the same was erected; and, when deemed advisable, may be disposed of as provided for in section 49 of this act.

Sec. 53. A school-house, constructed in part by voluntary subscription by colored parents and guardians and for a colored school community, shall not be used, without the consent of the colored community assisting in its erection, for the education of white children; and a like rule shall protect the use of school-houses erected in part by voluntary subscription of white parents or guardians for the benefit of white children.

Sec. 54. In no case shall any school, consisting partly of white and partly of colored children, receive any aid from the available school fund, but the two races shall always be taught in separate public free schools.

Sec. 55. Any incorporated city or town in this State may have exclusive control of the public schools within its limits; provided, they determine so to do by a majority vote of the property taxpayers of said city or town; and the Council or Board of Aldermen thereof are invested with exclusive power to maintain, regulate, control and govern all the public free schools now established or hereafter to be established within the limits of said city or town; and they are furthermore authorized to pass such ordinances, rules and regulations not inconsistent with the Constitution and laws of this State, as may be necessary to establish and maintain free schools, purchase building sites, construct school-houses, and generally to promote free public education, within the limits of their respective cities or towns.

Sec. 56. When any such city or town shall, in good faith, elect to assume control and management of the public free

schools within its limits, and shall have notified the State Board of Education, and the County Judge of the county in which it is situated, it shall receive from the Collector of Taxes in the county, on the certificate of the Board of Education, such a proportion of the public revenue in its hands as its scholastic population may entitle it to, which certificate shall be a voucher in the hands of the Collector of Taxes for so much money in his settlement with the State Comptroller. Such an additional amount as a city or town having control of public free schools may desire to raise by taxation for school purposes, shall be levied upon the taxable property in the limits of said town or city, in accordance with the usual assessment of taxes for municipal purposes; but such additional tax shall not exceed one per cent on the city assessment of taxable property within its limits, and shall not be levied unless at an election, held for that purpose, two-thirds of those paying a tax on property in said city or incorporated town, to be determined by the last assessment rolls of said city or town, shall vote therefor. Schools thus organized and provided for by incorporated cities or towns shall be subject to the general laws of the State, so far as the same are applicable; but each city or town having control of schools within its limits shall constitute a separate school district, and may, by ordinance, provide for the organization of schools, and the appropriation of its school fund in such manner as may be best suited to a dense school population.

Sec. 57. The title to all houses, lands and other property, now owned or which may hereafter be purchased or acquired by a city or town for the benefit of public free schools, and all houses, lands or other property, purchased for the benefit of public free schools in the county, and lying within the limits of any town or city, which may have assumed control and management of the public free schools within its limits and conformity with law, shall be vested in the City or Town Council or Board of Aldermen, in trust for the sole use of public free schools established under this act; but no houses or lands so held in trust, or that may hereafter be acquired for the benefit of public education, shall be sold or otherwise diverted from the use herein indicated, without the consent of the State Board of Education.

Sec. 58. The apportionment of the available public free school fund to be made by the Board of Education for the scholastic year, beginning September 1, 1876, shall be made on the basis of the apportionment for the year ending August 31, 1875.

Sec. 59. For counties organized since September 1, 1875, the Board of Education, for the first scholastic year, shall apportion the available school fund on the most reliable data, as to population, accessible.

Sec. 60. The annual apportionment for the support of public free schools for the scholastic year subsequent to August 31, 1876, and prior to the scholastic year which will begin after the next regular session of the Legislature, shall be based on estimates, to be furnished by the State Comptroller, of available school funds that may be received for said year.

Sec. 61. For the scholastic year beginning September 1, 1876, school communities may organize and apply for the benefit of the available public free school fund at any time prior to January 1, 1877.

Sec. 62. County school officers, and school officers for cities and towns, under school laws in force prior to the passage of this act, shall continue to discharge the duties of their respective offices under existing laws in the disbursement of school funds already appropriated, until August 31, 1876, and shall make settlement with the County Judge in their counties, who shall cause to be turned over any balance, unexpended of school funds, to the County Treasurer, subject to the provisions of this act.

Sec. 63. Immediately on the passage of this act, five thousand copies of the same shall be published by the Board of Education, and at once, such number as the Board may direct, shall be sent to each County Judge in the State.

Sec. 64. On account of the emergency resulting from the necessity of immediately promulgating this act, that the people may be advised of their rights under the same, and in time to prepare for the next scholastic year, this act shall take effect and be in force from and after its passage.

Approved August 19, 1876.

Takes effect from passage.¹

¹Gammel's *Laws of Texas*, Vol. 8, (1035-1046).

TEXAS STATE GRANGE, 1878

BRYAN, January 8-15

The Texas State Grange of the Patrons of Husbandry was organized at Dallas, October 7, 1873. It disclaimed being a political organization, but encouraged its membership in the discussion of questions affecting the welfare of the farmer. No formal statements of all their demands were prepared, as they depended upon petition and memorial to bring these demands to the attention of legislators. The demands, adopted in 1878, 1880, and 1882, when the Texas State Grange had a membership of about forty thousand, will indicate the trend of their demands.

Resolved,

.....

[6] It was voted to memorialize the Legislature to repeal the produce tax (p. 50), and to establish an experimental farm in connection with the Agricultural and Mechanical College.¹

INDEPENDENT GREENBACK CONVENTION, 1878

AUSTIN, March 12

The first State convention of the Independent Greenback clubs met at Austin, March 12, 1878. About forty delegates attended; eight or ten of them were colored.

.....

PLATFORM

Whereas, The object of our republican government is to protect alike the rights of every individual in the Union, irrespective of section, State, riches, poverty, race, color, or creed; and,

Whereas, Both the old political parties have persistently ignored this fundamental principle; have encouraged sectionalism, fostered monopoly, and carried on a financial system so radically wrong as to pauperize the masses to support a chosen few in idleness and luxury; therefore, we, the delegates of the Independent Greenback clubs of the State of Texas, in conven-

¹Winkler, E. W. *Platforms of Political Parties in Texas*, 179-180; *Proceedings of the Fourth Annual Session of the Texas State Grange, Patrons of Husbandry, held at Bryan, Brazos Co., Texas, January 8, 9, 10, 11, 12, 14 and 15, 1878.*

tion assembled, do hereby sever all connection with other parties, organizing ourselves under the name of the Independent Greenback party of Texas, and make this declaration of our principles:

.....

7. An efficient system of public free schools, commensurate with the growth and importance of our State.¹

DEMOCRATIC STATE CONVENTION, 1878

AUSTIN, July 17-24

The Democratic convention of 1878 was one of the most remarkable held in Texas. About 1,300 delegates attended.

.....

PLATFORM

Whereas, It is right and proper that the friends of constitutional government should reassert their devotion to it, and to proclaim the principles upon which it should be administered; therefore,

Resolved, 1.

.....

4. That a faithful adherence to the following principles is necessary as an essential to the preservation of government, viz: Home rule; the supremacy of the civil over the military power; the separation of church and state; the equality of all citizens before the law; absolute acquiescence in the lawfully expressed will of the majority; and the maintenance and perfection of a common school system.²

GREENBACK LABOR STATE CONVENTION, 1878

WACO, August 7 and 8

The Greenback Labor party claimed 482 clubs in Texas; of this number seventy were for colored voters. Two hundred and seventeen dele-

¹*Ibid.*, 180-181; *Austin Daily Statesman*, March 14, 1878.

²*Ibid.*, 181-187; *Daily Democratic Statesman* (Austin), July 18-25, 1878.

gates were entitled to seats in the convention, but all were not present. The Democrats and Republicans contributed equal shares of the number in attendance, but while very few of the old Democratic leaders were present, the Republicans had some of their strong men there.

.....
PLATFORM

The representatives of the National Greenback Labor party of the State of Texas, in convention assembled, placing their trust in the intelligence, patriotism, and discriminating justice of the people of the State, do hereby announce the following as the political principles for the establishment and maintenance of which we pledge our earnest, united, and unceasing efforts.

.....
10. We pledge ourselves to reestablish in fact common free schools, and we denounce the Democratic party for its failure to carry out its promises in this regard.¹

REPUBLICAN STATE CONVENTION, 1878
DALLAS, October 1 and 2

Chairman Davis and a majority of the State executive committee expressed satisfaction with the action of the Greenback convention at Waco, and counseled against holding a Republican State convention. A few members of the committee disagreed with this view and, after corresponding with working Republicans in all parts of the State, issued a call for a "consultation in regard to the formation of a State ticket," to meet at Dallas October 1, 1878. Although less than forty counties were represented, the consultation on the second day of its sitting resolved itself into a State convention.

PLATFORM

.....
14. That the Democratic party is responsible for the destruction of the public school system inaugurated by the Republican party, and has utterly failed in its stead to secure an efficient system of free schools, which is the greatest necessity of the State, as the surest guaranty of progress, and the best defense of liberty; that the neglect of the legislature at its last session to provide for the payment of teachers and the sustain-

¹*Ibid.*, 187-190; *Galveston Daily News*, August 8 and 9, 1878.

ing of schools for more than one month evidences still more completely their hostility to the common schools, whereby the children of the country may be educated.¹

REPORT OF THE PEABODY AGENT.

FIFTEENTH MEETING OF THE TRUSTEES

October 3, 1877

TEXAS

This State, from the very beginning, made liberal provision for education; and, although over a million of dollars were withdrawn and used for military purposes during the war, it still has claims and lands sufficient, if properly husbanded, to educate every child in the State without resorting to a tax. The property held for a school fund has been estimated at \$30,000,000. The school law of 1870 was so impracticable that it was abandoned, and a new one passed, and approved April 24, 1871; and, on the 4th of September of the same year, public free schools were opened for the first time in the history of Texas. They were put in operation in the midst of great opposition, and had a very active but short life during a period of fierce party strife. The number of pupils in 1871 was 63,504, and the expenditures were \$50,000. In 1872 the former were 115,000 out of 227,615, and the latter \$1,342,794.

The originators of the system accelerated their movements by relying more on the authority of the law than on the slower process of persuasion. If they did not go too far, they at least traveled too fast. As they appeared to have little confidence in the people, the people at length showed in turn that they had little confidence in them. The one party wielded the law to overcome public sentiment; the other wielded public sentiment to overthrow the law.

Complaints were made on both sides. On one, it was alleged that there was unreasonable opposition; on the other, that there was an utter recklessness and extravagance in the expenditure of public money. The opposition at length prevailed; and in

¹*Ibid.*, 190-193; *Galveston Daily News*. October 2 and 3, 1873.

1873 the school law was so changed, that hardly a vestige of its former character remained. A marked difference of opinion still continued, some asserting that the public schools were virtually abolished; others, that the schools were preserved, and only the power to squander money was abolished. The immediate effect was undoubtedly adverse to the schools; but what was lost in 1873 was regained in 1874, when the attendance (including an estimate of the counties that did not report) rose to about 161,670; and the amount paid to teachers, to \$499.93. In 1875 the attendance was 184,705, and the salaries of teachers \$630,334; and the total expenditure for schools and public school officers, \$723,052. The present law is certainly very defective; but, with a few alterations, such as would probably meet with no great opposition, it might be made to operate tolerably well. The executive power is not now vested in a State Superintendent, but in a Board of Education, consisting of State officers assisted by a clerk. But men who are already burdened with other public duties will do little beyond giving a formal and hurried attention to schools. The clerk, with no official position and with a small salary, cannot be expected to perform other than clerical service. This mistake, which was unfortunately made in the new Constitution, may be corrected in some measure by making the clerk also the chief executive officer, under the Board of Education, and by giving him a corresponding support.

Another serious impediment to the schools is the restriction of the tax to such narrow limits, except in incorporated cities, that schools cannot be continued sufficiently long to be of much value. The remedy for this lies in the future. So ample is the provision for a permanent school fund that, if what is due to it from the State shall be paid, and if the public lands set apart for purposes of education shall be advantageously disposed of, instead of being sacrificed to private interests and sold for a nominal amount, the fund itself will be adequate to the support of all the schools.

In the present attitude of affairs, we can effect nothing in the country districts. But in the cities, which by their charters, can levy a local tax within certain limits, we have ample scope. Perhaps it would be expedient under any circumstances to

direct our chief attention at first to the cities. Not only can we accomplish more there, and obtain at once a powerful moral support for the system, but can effectually do what is most of all needed,—present for imitation to all parts of the State examples of the most perfect organization and management of public schools. It should not be forgotten that in this new and distant State there is great want of knowledge on this subject. Except with a few teachers educated in Normal Schools in the Northwestern States, and emigrants from Germany, there is a prevailing ignorance of the progress made in recent times in the processes of education. Now, if in the large cities which have never had free schools the best forms of organization and the best methods of instruction can be introduced, the whole State will look to them as models; and, besides, a good supply of young teachers will be furnished, who will carry their newly acquired skill ultimately to all the remoter districts. Something more is needed than the multiplication of such schools as now exist in the greater part of the State.

In all the arrangements recently made with the cities of Texas, this object has been kept distinctly in view. Assistance has been promised, on condition that the schools of each city shall be put in charge of a Superintendent who has had a professional training and experience, and who shall be able to train the existing corps of teachers by weekly instructions, as well as to superintend the schools and direct the teachers in their daily work. Until Normal Schools shall be established, this kind of training in the cities, and teachers' institutes in all parts of the State, will be indispensable. Otherwise, the public schools will be but a farce. I need not say that these conclusions are drawn from personal observation. The contrast between two or three cities which have already adopted these improved methods and those that tread in the old Texan paths is almost incredible.

I spent a part of the winter in Texas, visiting its principal cities as far south as Galveston and Austin. I was accompanied by our excellent agent, Rev. Dr. Burleson, who, as a pioneer in education, "had crossed every river and every prairie from the Gulf of Mexico to the Red River, and from the Sabine to Rio Grande." He had made the necessary arrangements for

public meetings in all the places we visited; and the assemblies which we addressed were sometimes very large. While in one or two places great indifference was manifested, there was generally an interest awakened in education bordering upon enthusiasm. No one can visit this State and notice the change which has taken place within the last ten years, without being deeply impressed with its speedy future greatness. While middle Texas is growing rapidly, the tide of population is continually setting westward, new counties being organized and new court-houses, school-houses, and churches being built. This circumstance not only illustrates the growth of the State, but shows the character of its new citizens, which is very different from that of many of the earlier settlers. It is estimated that not less than 150,000 persons from abroad enter Texas every year. Among these are many families of wealth and refinement.¹

SIXTEENTH MEETING OF THE TRUSTEES

October 2, 1878

TEXAS

In view of the deep interest expressed by Mr. Peabody, and felt by the Trustees, in this great and rapidly rising State, and of the want of a succinct and clear statement of the history of the efforts there made in behalf of education, I beg leave to present, in this place, the substance of our agent's² report of his four years' service. Though it alludes to parties without much reserve, it contains so graphic a sketch of what has passed before his eyes that I should be reluctant to withhold it.

"The old Texans have, for forty years, earnestly desired a system of free schools. They provided a permanent fund of \$3,500,000, and 70,000,000 acres of land, now valued at \$50,000,000. But in the years 1869-73, a number of causes arose threatening ruin to all these plans of our early statesmen. Identified as I had been for nearly thirty years with those men, and being one of the few of their survivors, I regarded it as a sacred duty

¹*Proceedings of the Trustees of the Peabody Education Fund, 1874-1881, Vol. II, 112-116.*

²Dr. R. C. Burleson, President of Waco University. He was State Agent from April 21, 1874. Compare *The Life and Writings of Dr. Rufus C. Burleson, 354-357.*

to aid Governor Coke, Superintendent Hollingsworth, and others. in bringing order out of confusion, and securing the ends which our fathers had in view.

“In undertaking my agency, I was met at the outset with the following difficulties:

1. Our territory is so vast, our settlements so scattered, and our population so diversified, that many think it is impossible to establish and maintain a uniform system of public instruction. Of the 1,700,000 people scattered over our vast territory, 150,000 are Germans, 15,000 are Mexicans, 13,000 are Bohemians, 3,000 are Poles, 2,500 are Norwegians, and 100,000 are colored people.

2. The great mass of the Texans are from the Southern States; knowing little of the value of free schools, and less of the best means of conducting them.

3. The party placed over Texas by the Federal Government made free schools a grand feature of their plan of reconstruction, and conducted them on strictly party principles. In ignorance or disregard of our poverty, of the prejudices of the people, the vastness of our territory, and the diversity of our population, they established a system that *might* have suited New York or Massachusetts, but was ill adapted to Texas. The result was such as might have been expected. Vast sums of money were squandered. An army of unpaid teachers was roaming over the country. Private schools were unsettled, and nothing was supplied in their place. There was consequently a collapse of the whole system of education. At this juncture, another party came into power. Like all partizans, they were eager to disparage even the good which others had done, and often magnified their blunders in regard to free schools. Demagogues and a venal press were, as ever, ready to pander to the passions of the prejudiced and of the ignorant, and to raise the clamor, ‘Away with free schools!’ ‘Let every man educate his own child!’

4. All these passions were intensified by the near prospect of a prize of \$15,000,000. The Republican Constitution of 1869 had restored to the State 8,000,000 acres of land (mostly in the older parts of the State), which had been granted to the counties for education, by the Constitutions of 1837 and 1845; land specu-

lators holding land scrip of the State seized upon these as State lands. But, as their right to locate on lands set apart for educational purposes was questioned, they endeavored to bring odium upon the whole system of free schools, in order to make their claims more sure. They called to their aid all the power, and enlisted all the talent, that money could procure.

5. Two powerful Christian denominations had established 'church schools' in every part of the State, and were hence opposed to a State system of education.

"In going among the people as agent of the Peabody Fund, I had to grapple with all these difficulties. Sometimes the opponents met me in a fiery debate, and sought to arouse against me all the passions and prejudices of the ignorant. Sometimes they assailed me in an indirect way, through the press, and used a thousand devices to prevent me from getting a fair hearing before the people. Nothing but my long identity with the educational interests of Texas, and the personal regard of the hundreds I had instructed, gained me an audience. I have canvassed all the counties from the Sabine to the upper Colorado, and from the Gulf of Mexico to the Red River. This embraces all the older and thickly settled counties. I have visited and lectured in all the great centres of influence. I have conferred, personally, or by correspondence, with all the mayors of towns and cities, and with all our leading politicians and educators. I have utilized the principal journals of the State, and have secured the publication of short articles, and sometimes a series of articles, setting forth the importance of free schools, and disabusing the public mind of prejudices caused by former failures.

"The following ends have been attained:

1. The 8,000,000 acres of land have been rescued and saved for the schools.
2. Every leading journal and politician of both parties have declared themselves in favor of public schools in some form.
3. One of the two denominations named above has become convinced of the impossibility of meeting the wants of all the people by means of 'church schools'. The other, the Catholic, has undergone no change. What is now most needed is an im-

proved school law, and a more decided interest and action on the part of the people."

The Secretary of the Board of Education, in a letter dated July 1, 1878, referring to our aid, says: "The effect upon public sentiment produced by the schools at Denison, San Antonio, Brenham, Houston, and New Braunfels, is very marked, and encouraging to the friends of popular education in this State." Our Agent, Dr. Burleson, writes, Aug. 20, 1878: "Our brilliant success in Houston, Brenham, Denison, (and I may add with some modification, San Antonio) has been worth \$20,000 to Texas."

The plan described in my last Report of recommending to the cities aided by the Fund experienced and skilful superintendents to organize graded schools, and to select and train teachers, was fully tried in Houston, with results which have not only gratified but astonished both the city government and the people. A few such experiments will clear away all doubts as to the value of public schools. There can be no question that this is the surest and quickest way to remove prejudices on the subject, where they exist.

The Secretary of the Board of Education, writing July 30, 1878, after saying that the reports giving the statistics of the schools the present year have not yet been received, adds: "Under our present law, our schools have prospered as they never have before." "The system has taken such deep root in the popular mind that no fears need now be entertained for the future." "There will be so many cities applying for aid from the Peabody Fund that it will be impossible for me to make a satisfactory selection." "It would take at least \$25,000 to supply the calls that will be made." "I am clearly of the opinion that the Trustees would best advance the interest of popular education in this State, if, instead of aiding a few cities, they would appropriate \$10,000, for the support of a good Normal School. I am confident that the State would liberally cooperate with them in such a work."¹

¹*Ibid.*, 163-166.

SEVENTEENTH MEETING OF THE TRUSTEES

October 1, 1879

TEXAS

.....

Since the opening of the year 1879, there has been in all Texas a constant contention in regard to school funds. The General Assembly, at its regular session, early in the year, passed a law making very liberal provision for schools. The Governor vetoed the Act, and there was an adjournment, leaving the whole question of finances unsettled. All parties plunged into the controversy. The men who secured the passage of the law and their numerous sympathizers commented on the action and views of the Governor in no gentle terms. The supporters of the veto pleaded the financial embarrassments of the State, and the prior claims of its creditors, and those of the departments of the government for their expenses. A third party, smaller in numbers, but louder in its utterances, denounced the whole theory of public education as unwise and unjust. A special session of the Assembly was called, and the Governor, in several messages, explained his views more fully, and endeavored to correct the impression that he was not friendly to free schools, adding that the existing schools were of little value, and that they could not be of much improved till the Normal Schools should train a better class of teachers.

The advocates of the bill that was vetoed argued that the Constitution was mandatory, making it the duty of the legislature to maintain an efficient system of public schools, and that the pressing necessities of the people in regard to the education of their children, the swelling tide of immigration of mixed races, the dangers of barbarism, and the immense, undeveloped natural resources of the State, rendered it doubly unwise and unjustifiable to evade the plain meaning of the Constitution.

The present school law is indeed defective, and most of the public schools, except those of a few cities, are of an inferior character. Of those who claim to be friendly to free schools, one party, admitting the imperfection of the law, desired, nevertheless, to work under it as best they might till they could improve it; the opposite party objected to this course as a waste of

the public money, and insisted on waiting till a better system could be devised and put in operation.

After a severe and protracted struggle, the party led by the Governor prevailed, and only one-sixth of the general revenue, instead of one-fourth, was appropriated to schools.

The most hopeful step that was taken by the legislature at its regular session, was that of establishing two Normal Schools, one for each race. I visited the State last winter, and, after many interviews with leading men, proposed to the legislature, through the Governor, to make a donation of \$6,000, to be continued during the pleasure of this Board, if the State would establish and maintain a first-class Normal School. The Governor advocated the measure in a special message, and a law to that effect was accordingly passed, making the annual appropriation of \$14,000. The location of the school was fixed at Huntsville. There have been some objections made to the location, yet as an offer of its college building was made, free of charge, it was accepted. But for this offer, the bill might not have passed. Provision is made for paying all the expenses of the seventy-four State pupils. The colored Normal School, established at the same time, is to be at Prairie View, with an annual appropriation of \$6,000 and a given number of scholarships.¹

GOVERNOR'S MESSAGE

EXECUTIVE OFFICE, STATE OF TEXAS,

AUSTIN, January 14, 1879.

To the Honorable Senate and House of Representatives of Texas, in Legislature Assembled:

.....

PUBLIC FREE SCHOOLS

For a full understanding of the operations of this system as adopted by the State under existing laws, you are most respectfully referred to the accompanying able report of the secretary of the board of education.

The actual practical results of this system can be more fully appreciated by a careful consideration of the subjoined:

¹*Ibid.*, 228-230.

Summary of Statistics

For the years ending August 31,	1877	1878
Number of counties reported.....	135	137
Scholastic population (estimated).....		164,294
Scholastic popu'n enrolled in school communities :.....	133,568	146,946
Scholastic popu'n that did not attend school	20,962	23,963
Number of schools organized.....	3,901	4,633
Number of months schools were maintained	3	4
Number of teachers employed.....	3,580	4,330
Average salaries paid teachers.....	\$35.00	\$38.00
Average cost of tuition as per actual attendance	\$1.66	\$1.76
Av. cost of tuition as per community registration	\$1.26	\$1.13
Number of school houses built.....	159	243
Value of school houses built.....	\$34,913.00	\$54,219.00
Expenditures for payment of teachers :.....	\$382,729.86	\$656,972.90
Expenditures for building school houses	\$12,332.58	\$29,648.01
Expenditures for rent of school houses	\$3,598.31	\$5,735.98
Total expenditures	\$403,975.18	\$702,288.16
Received from State appropriations.....	\$427,554.58	\$654,762.42
Received from deficiency taxes under former laws	\$88,113.84	\$20,117.33
Received from rent of county school lands	500.00	\$653.95
Received from sale of county school lands	\$8,066.08	\$43,558.53
Received from local option fines.....		\$659.00
Received from dog tax.....		\$10,628.54
Received from sources not enumerated.....	\$7,446.68	\$14,439.89
Total received	\$631,830.49	\$859,484.49
Total expenditures	\$501,691.64	\$747,534.16
Balance on hand.....	\$130,599.78	\$113,008.07

The report shows, also, that the average number of months taught throughout the State in 1877 was three, and 1878 four months.

The estimates made by the board of education of the amount of funds which will be appropriated to common schools for the present fiscal year was nine hundred thousand dollars, including, of course, all the sources of revenue for common schools. Under the head of suggestions in the interest of economy I have heretofore respectfully recommended that the scholastic ages be reduced to ten and fourteen years.

Upon the whole, the operation of the common school system has been successful for the past fiscal year.

The removal of the present restrictions on the sale of school lands is again recommended, for the considerations already submitted. For such amendments to the present school laws as, in the judgment of the board of education, are needed, you are respectfully referred to the accompanying report of the secretary of the board of education.

The following exhibit presents the rich resources of our common schools:

STATE SCHOOL LANDS

Patented sections	15,838
Unpatented sections (estimated).....	18,364
Total patented, acres.....	10,136,320
Total unpatented, acres.....	11,752,960
Grand total, patented and unpatented acres.....	21,889,280
Number of acres sold, to Sept. 1, 1878.....	240,000
Principal received on sales.....	\$112,815
Interest received on sales.....	\$28,618

A part of the same great fund is

COUNTY SCHOOL LANDS

Each county is entitled to, leagues.....	4
Number of counties that have located four leagues each....	149
“ “ “ “ “ obtained patents on four leagues	74
“ “ “ “ “ “ “ on only a part	51
“ “ “ “ “ not obtained patents.....	29
“ “ “ “ “ not received certificates.....	4
“ “ “ “ “ not returned field notes.....	11
“ “ “ whose field notes need to be corrected..	14
“ “ “ that have sold their four leagues.....	4
“ “ “ “ “ sold only a part of their land	30

Your honorable bodies are familiar with the early and later policies of the Legislature of the State upon the subject of free public schools. It was incorporated into the Constitution and laws of the Republic, and has remained a part of our organic and statutory laws to this day. The design of the fathers, who, early in our history, dedicated such a magnificent portion of our public lands to common schools and universities, as well as of those who came after them in the halls of legislation, was evidently thereby to create an *endowment*, which in the future, when realized in money, would yield a *principal*, the *interest* on which would inaugurate and maintain a permanent system of public education. The time-honored policy, so far as its support from the general revenue derived from direct tax is concerned, may be modified, but the system itself can and should never be forsaken. The silent but expressive figures of the census takers indicate that a large portion of the children of Texas today stand woefully in need of this civilizing influence. Of the white population of Texas, from eight to fourteen years of age, there is twenty per cent who cannot read. Of the colored population, between the ages of eight and fourteen, there is sixty-eight per cent who cannot read.

In other words, out of the one hundred and ninety-four thousand three hundred and fifty *white and colored* children within

the scholastic ages of eight and fourteen, there are sixty-one thousand, one hundred and twenty-three who cannot read.

These official statistics require no comment, but for a *remedy* solemnly appeal to the liberality, patriotism and wisdom of the Legislature to see to it that the blessings of elementary education at least be offered freely to the thousands of the children of this State who are now growing up in ignorance in our midst.

The charity is bestowed as much on the *State* as on the *child*. Ignorance, when wide spread, is a viper which strikes the poison of its fangs into the vitals of free government, giving food to the mob, destroying, under the leadership of ambitious charlatans, the purity of the ballot, and, at last, the life of the State.¹

MUNICIPAL CONTROL OF PUBLIC SCHOOLS

An Act to further regulate and render more efficient the maintenance and management of the public free schools and institutions of learning in cities or towns in this state.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That any city or town in this state may acquire the exclusive control of the public free schools within its limits.

SEC. 2. The mayor of said city or town shall, upon the written application of not less than fifty of the qualified electors of such city or town, order, within twenty days of such application, an election by the qualified electors of such city or town, to be conducted as other municipal elections, to decide by a majority of the votes cast by the qualified electors of such city or town at such election, whether such city or town shall acquire the exclusive control of any or all of the public free schools and institutions of learning within its limits, and whether the same shall be under the control of a board of trustees as hereinafter mentioned, or of the council or board of aldermen of such city or town.

SEC. 3. If, at such election, it shall be decided that such city or town has acquired the exclusive control of said public free schools and institutions of learning, and that the same shall

¹*Message of Richard B. Hubbard, Governor of Texas, to the Sixteenth Legislature, First Session, January 14, 1879, 39-41; Moreland, Sinclair, Governors' Messages, Coke to Ross, 750-754.*

be under the management of a board of trustees, then the mayor of such city or town shall, within ten days from the ascertainment of such result, order an election, to be conducted as other municipal elections, by the qualified electors of such city or town, of six trustees, to take charge of and manage said public free schools and institutions of learning. The six persons receiving the largest number of votes cast at such election shall, thereupon, become such trustees, and shall hold their offices for four years; *provided*, that at the first election, held under the provisions of this act, the trustees receiving the smallest majorities shall only hold their offices for two years, and at the end of every two years thereafter there shall be elected, in like manner, three trustees. Any vacancy, from any cause whatever among said trustees, to be filled by an election as herein provided for, for the unexpired term of such trustees; *and, provided further*, that said trustees may continue to act until their successors may have qualified.

SEC. 4. The county judge of the county in which said city or town is situated, and the mayor of such city or town shall be *ex officio* members of said board of trustees.

SEC. 5. Said board of trustees may adopt such rules, regulations and by-laws for their own government as they may deem proper, and select their chairman, secretary, treasurer and other necessary officers.

SEC. 6. Said board of trustees shall have and exercise exclusively the same powers, control, management and government of and over such public free schools and institutions of learning in such cities or towns as are now or hereafter may be by law conferred upon the council or board of aldermen of such cities or towns where such council or board of aldermen are invested with the control of such public free schools.

SEC. 7. Should the election provided for in section 2 of this act result adversely to the acquisition of such control of the public free schools and election of a board of trustees, then no like application shall be entertained within two years.

SEC. 8. The board of trustees herein provided for to act in the place of the council or board of aldermen in such cities or towns as may acquire the exclusive control of the public free

schools and institutions of learning within their limits, shall receive no compensation for their services.

Approved April 3, A. D. 1879.

Takes effect ninety days after adjournment.¹

THE AVAILABLE SCHOOL FUND

CHAPTER VI.—An act defining and describing what funds shall constitute the available school fund, and repealing all laws in conflict therewith.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the one dollar poll tax levied and collected for the use of public free schools, exclusive of the costs of collection, the interest arising from any bonds or funds belonging to the permanent school fund, and all the interest derivable from the proceeds of sales of land heretofore set apart for the permanent school fund which have hitherto or may hereafter come into the state treasury, and such amount of the general revenue levied and collected after the thirty-first day of December, A. D. 1878, as the Legislature shall, from time to time, appropriate, shall constitute the available school fund, and shall be appropriated to the support and maintenance of the public free schools of this State.

SEC. 2. That section twelve (12) of "An act to establish and provide for the support and maintenance of an efficient system of public free schools," approved August 19, 1876, and so much of "An act amending and supplementing articles 4662, 4663, 4664, 4665, 4666, 4667 and 4668 inclusive of chapter one, title 95 of the Revised Civil Statutes," adopted February 21, 1879, approved April 22, 1879, as amends article 4663 of Revised Civil Statutes, and article 3704, chapter three, title seventy-eight, and article 4663, chapter one, title ninety-five of "An act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 21, 1879, and all laws or parts of laws levying or collecting, segregating or setting apart any part of the revenue for the support of public free schools, except as stated and pro-

¹*General Laws of the State of Texas, Passed at the Regular Session of the Sixteenth Legislature, 76-77; Gammel's Laws of Texas, 8 (1376-77).*

vided for in the first section of this act, and all laws or parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That the limited period permitted for the session creates an emergency and imperative public necessity that requires the suspension of the rule requiring this bill to be read on three several days, and it is so enacted, and that this act take effect and be in force from and after its passage.

Approved July 2, A. D. 1879.

Takes effect ninety days after adjournment.¹

LAW GOVERNING VOTING TAXES IN CITIES AND TOWNS

CHAPTER LIII.—An act to amend article 3785, chapter three, title seventy-eight of the Revised Civil Statutes, passed at the regular session of the Sixteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 3785 of the Revised Civil Statutes of the State of Texas, as mentioned in the caption of this act, be so amended as to hereafter read as follows:

“Article 3785. If at an election held for that purpose, at which none but property taxpayers, as shown by the last assessment rolls, who are qualified voters of such city or town, shall vote, two-thirds of those voting shall vote in favor thereof, such an amount shall be raised by taxation not to exceed one-half of one per cent. in addition to the pro rata of the available school fund received from the state, as may be necessary to conduct the schools for ten months in the year.”

SEC. 2. Whereas, the present session of the Legislature is near its close, and as some cities desire to immediately hold an election as contemplated in this act, an emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

NOTE.—The foregoing act was presented to the governor of

¹*General Laws of the State of Texas, Passed at the Special Session of the Sixteenth Legislature, Convened at the City of Austin, June 10, 1879, 4-5; Gammel's Laws of Texas, Vol. 9, (36-37).*

Texas for his approval on the ninth day of July, 1879, and was neither approved by him nor returned to the House in which it originated with his objections thereto, within the time prescribed by the constitution, and thereupon became a law without his signature, July 17, 1879.

(Signed) JOHN D. TEMPLETON, *Secretary of State*.

Takes effect ninety days after adjournment.¹

MESSAGES OF GOVERNOR ROBERTS

ORAN M. ROBERTS

It fell to the lot of Gov. O. M. Roberts to play the most conspicuous part in finally establishing the educational system of Texas. A graduate of the University of Alabama, throughout life he was intimately connected with institutions of learning, as trustee, patron, member of two constitutional conventions, and teacher. He re-organized the Agricultural and Mechanical College, founded the Sam Houston Normal, established the University of Texas, and began Summer Normal Institutes. At first he was somewhat lukewarm toward free common schools, and on one occasion he even vetoed a bill in their favor, he finally became their champion, and his influence was helpful in bringing sentiment to favor the free State System.

MESSAGE ON FREE COMMON SCHOOLS

EXECUTIVE OFFICE, STATE OF TEXAS

AUSTIN, February 10, 1879.

To the honorable the Senate and House of Representatives in Legislature assembled:

The free common schools have their foundation in the constitution of the State. The mode and means of creating a permanent fund therefor, and of an available fund, with the manner of its distribution annually, are prescribed in the same instrument. It results in fixing it as a duty upon the government of the State, and not as a charity, to educate the rising generation.

Its permanent fund consists of surveyed lands about 21,000,000 acres, and half of all the vacant domain, making 15,000,000 of acres more, set apart by the constitution. There are now over

¹*General Laws of the State of Texas, passed at the Special Session of the Sixteenth Legislature, June 10, 1879, 49-50.*

\$3,000,000 of state and railroad bonds. Notes for the sale of lands unpaid \$269,000. Cash on hand from sales of land \$6,940. As the lands are sold, and amounts collected, the comptroller is required to invest the money in state or United States bonds. These lands are sold on a credit to settlers, payable with interest in ten annual instalments and at considerable expense, at the minimum price of \$1.50 per acre, and are consequently thereby increasing the permanent fund very slowly. The probable fact is easily demonstrated that when three millions more of bonds are thus purchased by their sale, settlers upon those lands and upon the railroad lands surveyed in connection with them, will have introduced into the State children of the scholastic age enough to require the interest on this increase of the fund on their education. And by the increase in the scholastic population in other parts of the State, the proportion of the fund, already accumulated to the scholastic population, except those thus introduced, will continually diminish from year to year and therefore an increase of taxation would be required, if the constitution permitted it, to keep up the schools to an average of four months in the year. But by a more rapid sale of the lands, as has been recommended, the fund may be increased before the increased scholastic population is introduced into the State by immigration. The lands sold being taxed before they are settled, the general revenue will be increased. By this means the schools may be supported by the interest of the fund, with a much less appropriation of the revenue than at the present time, which is one-fourth of the state taxes and one dollar poll tax. For the present year the board of education set apart \$900,000 to the free common schools. This included an amount over \$300,000 that had accumulated in the treasury from the collection of previous years' taxes. It is, therefore, estimated by the comptroller that the amount to be set apart for the next year will be about \$200,000 less.

In the effort to perfect the free common school system certain fixed guides, as prescribed in the constitution, must be acted on, as follows:

The permanent fund cannot be used otherwise than by the

annual appropriation of the interest accruing from it. To which may be added not more than one-fourth of the annual state taxes and one dollar poll tax. Whatever amount is set apart must be distributed by the board of education to each county, according to its scholastic population, irrespective of whether or not the children are taught by the county. The counties receiving it must apply it in such manner as may be provided by law. The discretion then left to the Legislature is to determine what amount of the state tax, so it does not exceed one-fourth of it, shall be appropriated for this object, and to regulate by law the manner in which the counties shall apply it in carrying on free common schools. The present school law, it is believed, is a foundation upon which may be built a system as far as practicable adapted to the wants of the country. It is to be remarked, however, that it proceeds upon the idea of providing for the compensation of the teachers more effectually than for the teaching of the scholars, for whom the money has been distributed to the counties. A teacher employed by the trustees of a school community to teach a certain number of scholars gets his pay whether all the scholars come to school or not, and indeed it is for his convenience that half of them should not come. The punctual attendance of the scholars depends upon the efforts of the teacher to secure it, and if practicable he should be made pecuniarily interested in making the efforts. This is shown by the reports of the last scholastic year, in which it appears that the scholastic population was \$164,294, for whom, as they resided in each county, the whole of the money allowed for that year was distributed. Out of that number there were 23,963 who did not attend any school in the State, and 17,348 of them were not enrolled in any school community. Still the counties got the money according to the terms of the constitution; and, as we may suppose, it was given to the teachers who taught the balance of them. Thus nearly one-seventh of the children for whom the money was appropriated received no benefit from it, and over one-ninth of them were not enrolled in any school community. Since the meeting of the Legislature there has assembled at Austin a convention of teachers, from different parts of the State, composed of gentlemen of

experience and distinguished ability in their profession, who have presented a memorial, to be presented through me to the Legislature, containing their views upon the manner in which our free common schools may be improved. Their memorial, attached to this message, is respectfully submitted for your favorable consideration.

In attendance upon said convention was also Dr. B. Sears, general agent of the Peabody education fund, who addressed the following letter to me:

"AUSTIN, February 1, 1879.

"*His Excellency, O. M. Roberts, Governor of Texas:*

Sir—I beg leave to address, through you, to the General Assembly of the State the following proposition, to-wit: If the Legislature shall see fit to establish a first-class normal school, and to appropriate for its current expenses \$6000 per annum, the trustees of the Peabody educational fund will duplicate that sum for the same purpose for a period of two years, with the expectation of renewing the arrangement from year to year after that period during the pleasure of both parties.

"Your obedient servant,

"B. SEARS, *General Agent.*"

The first question is, can the Legislature constitutionally accede to and comply with this liberal offer, if it be so inclined?

The constitution provides that "taxes shall be levied and collected by general laws, and for public purposes only." In the enumeration of the objects alone for which the Legislature shall have the right to levy taxes is included, "the support of public schools in which shall be included colleges and universities established by the State." A normal school might most properly be regarded as a public school in connection with and auxiliary to free common schools. The greatest want in our common schools is a supply of competent teachers, who would teach upon the most improved modern plan of teaching.

The second question is, how shall the pupils be procured at such a school? Few persons, in different parts of the State, who might desire to be teachers of common schools, would have the means to spend two or three hundred dollars in going to such a school. Persons who had education enough to enter such a school to learn the science and practice of teaching school, would most likely go to some higher school to learn those things which would fit them for some of the learned professions. A normal school

for the education of teachers must, therefore, be a very cheap school in order to attract pupils.

I would respectfully suggest that should such a school be established, the building for which might be easily obtained by gift or rent, the Legislature might direct the counties to reserve that portion of the money appropriated to them each year, for which no scholars are taught, or even that for which no scholars are enrolled in school communities, and set it apart annually as a fund for the support of scholars at the normal school to the extent of paying their board and tuition.

These scholars, selected by the county court of each county having such a fund reserve, might be pledged to return to the county from which they were sent and teach so many years in its free common schools. Such moneys would be well spent in the promotion of the purposes of free common schools by spreading educated teachers all over the State, without which our system never can, and never will, be perfected, however lavishly the money of the people may be devoted to it. I respectfully submit, also, in this connection, a condensed summary of the views of the secretary of the board of education of the State as to the laws necessary to the improvement of our school system. He has been connected with this business as superintendent and secretary for five years, and his views deserve consideration.

O. M. ROBERTS.

To His Excellency, O. M. Roberts, Governor of Texas:

In pursuance of the invitation made by your excellency to the teachers of Texas, "to meet in convention and investigate the present school law, and suggest such practicable improvements as can and should be made in our system of education," a meeting was held in the city of Austin, commencing on the 28th of January, 1879, and continued in session for three days. Many important matters were considered and discussed, and the undersigned, a committee appointed by said convention, have the honor to submit as the result of their deliberations the following suggestions, and respectfully ask your excellency to transmit the same, with such recommendations as you may deem proper, to the honorable Legislature now in session:

1. We recommend that the generous offer made by the trustees of the Peabody education fund, through the Rev. Dr. Barnes¹ Sears, the general agent, to duplicate an appropriation of six thousand dollars per annum for the support of a normal school by the State be accepted, and that the State establish, a first-class normal school, which shall be exclusively devoted to the education of teachers, as early as practicable. It affords the committee great pleasure to state that Dr. Sears, in consultation with us, has given

¹Should be "Barnas."

unqualified assurance that the appropriation from the Peabody fund will be increased and continued as may be required by this important department of education.

2. We recommend that an appropriation of twenty thousand dollars be made to the State Agricultural and Mechanical College of Texas, to establish a course of practical instruction in agriculture.

3. We recommend that not more than two school communities be allowed to be formed in any village, town or city not taking control of its own schools, and that one community shall include all the white and the other all the colored children in said village, town or city.

4. We recommend that there be three grades of certificates: Applicants who shall pass an examination in orthography, reading, writing, geography and arithmetic, as far as simple proportion, getting general average of seventy, and not lower than fifty in any branch, shall be entitled to a third grade certificate, valid for one year. Applicants who, in addition to the studies of the third grade, shall pass an examination in grammar, composition and history of the United States, getting a general average of eighty, and not less than sixty in any branch, shall be entitled to a second grade certificate, valid for two years. Applicants who, in addition to the studies of the first and second grades, shall pass an examination in the elements of algebra, geometry, physics, and the theory and practice of teaching, attaining a general average of ninety, and not less than seventy in any branch, shall be entitled to a first grade certificate, valid for three years.

5. We recommend that pupils under the instructions of a teacher holding a third grade certificate, receive one dollar per month; those under a teacher holding a second grade certificate, receive one dollar and a half per month; those under a teacher holding a first grade certificate receive two dollars per month.

6. We recommend that the state board of education divide the State, by counties, into six districts having reference to scholastic population and contiguous territory, and that said board of education appoint in each district, as superintendent of schools in the same, a man, who, in addition to the other necessary qualifications, shall be a practical teacher; who shall devote his entire time to the work of supervision, and shall hold his office for three years, and shall receive an annual salary of \$2300, payable quarterly, from which he shall defray all traveling and incidental expenses.

7. We recommend that the six district superintendents, with the secretary of the state board of education, be constituted the board of supervision for the State, with power to prescribe regulations relating to the examination of teachers, the organization, gradation and general management of schools, not inconsistent with the law or the regulations of the state board of education. Said board of supervision shall hold their meetings at the capital, and a majority shall constitute a quorum, but a two-thirds vote of the members present shall be necessary to make or alter any regulation.

8. The several district superintendents shall appoint in each of the counties under their jurisdiction a school examiner, who shall be a practical teacher in good repute, whose duty it shall be to examine all persons desiring a certificate of competency to teach, hold county institutes, perform all the duties relating to the public schools which have heretofore devolved upon the county judge, and such other duties as may be prescribed by the district superintendent.

9. We recommend that the county treasurer be allowed one-half of one per cent. for receiving and disbursing the public school funds. We recommend this plan of supervision for two reasons. First, because some form of supervision is essential to an efficient system of public schools. In proof of this truth we beg leave to refer you to the remarks made on this subject in the excellent report of Hon. O. N. Hollingsworth, secretary of the board of education, page —. Second, because this form of supervision through district superintendents, whose duties nearly correspond with those of state

superintendents in small states, and county examiners in each county, whose duties nearly coincide with those of a county superintendent, combines economy with the highest degree of efficiency which we believe attainable at present.

We invite your consideration of the following comparison of the expense of the present plan and of the proposed system of supervision.

Under the present plan:

156 county judges receive an average of \$110 each, not less than..	\$17,160.00
County treasures receive.....	9,000.00
	<hr/>
Making a total of.....	\$26,160.00

Under the proposed system:

156 county examiners will receive for postage, stationery and printing	\$ 3,900.00
6 district superintendents.....	13,800.00
County treasurers, for receiving and disbursing.....	4,500.00
	<hr/>
Making a total of.....	\$22,200.00
Total without supervisors.....	\$26,160.00
Total with supervisors.....	22,200.00
	<hr/>
Difference	\$ 3,960.00

This estimate shows a clear saving to the public school fund, by the plan of supervision, of three thousand nine hundred and sixty dollars.

Respectfully submitted,

W. C. CRANE,
W. C. ROTE,
MILTON COOPER,
R. C. BUBLESON,
T. L. NORWOOD,
OSCAR H. COOPER.

*Committee State Teachers' Convention.*¹

DEPARTMENT OF EDUCATION, STATE OF TEXAS

AUSTIN, February 7, 1879.

To His Excellency, O. M. Roberts, Governor of the State of Texas:

I have the honor to acknowledge receipt of your favor of the third instant, asking for information with reference to expendi-

¹Roberts, O. M. *Public Schools*, in *Messages of Governor O. M. Roberts to the Sixteenth Legislature of the State of Texas*, 34-38; *Report of the Secretary of State of Texas from January 23, 1879, to January 1, 1881*. Appendix, 97-101; *Messages of Gov. O. M. Roberts to the Sixteenth Legislature of the State of Texas*, 21-40.

tures in the support of our public free school establishment, and in reply respectfully state as follows:

1. Excepting the board of education and the secretary thereof we have under the present school law four classes of officers charged with duties in connection with its administration, viz: Judges, county treasurers, assessors and clerks of the respective counties of the State. Of these officers there is only one whose services can be entirely dispensed with without detriment to the public school interest, to wit, the county clerk. The duties required of this officer under the school law, which are simply the filing and recording of certain papers, can be imposed on the county judge without increasing the official labors of said officer, for there need be no further record of the papers referred to than is now required of the county judge.

2. The result sought to be accomplished by means of our public school system can be more effectually attained by the following amendments to the school law:

First amendment:

Require assessors to make return of the scholastic population of their respective counties on or before the first day of June of each year.

Second amendment:

Require county judges to forward abstract of scholastic population of their respective counties to the department of education on or before the fifteenth day of June of each year.

Third amendment:

Require the board of education to declare the apportionment of the available school fund to the several counties of the State on the first day of July of each year.

These amendments would enable county judges to make their apportionments, and to notify trustees of the sums credited to their respective committees in time for trustees to employ teachers before the beginning of the scholastic year. As the law is now the board of education cannot make an apportionment of the school fund until the first day of September; and hence in many instances a month or even more of the school year has passed before trustees are apprised as to what amount of fund they will

receive, and are consequently delayed in making contracts for opening their schools.

Fourth amendment:

Charge the county judges with the duties imposed by the present school law upon county clerks.

Fifth amendment:

Regulate the compensation allowed county judges for services in the administration of the school law according to the amount of funds disbursed in support of public schools.

Sixth amendment:

Establish a minimum average daily attendance, which must be maintained in order to guarantee a continuation of the school.

Seventh amendment:

Authorize county judges to apportion the school fund of their respective counties to the organized school communities to the exclusion of the unorganized population.

This amendment would utilize the entire fund, and would secure to such as desire to avail themselves of the benefits of the law a longer school term.

Eighth amendment:

Classify certificates granted to teachers into three grades, and establish compensation accordingly; allowing teachers holding a first-class certificate not more than \$2 per pupil; teachers holding a second-class certificate not more than \$1.50, and teachers holding a third-class certificate not more than \$1 per month.

Ninth amendment:

Authorize the board of education to appoint a county superintendent of public schools, for such counties as receive \$8,000 or over, for support of public schools. Let said superintendents receive as a salary 10 per cent upon the sum disbursed for public school purposes; *provided*, in no event should the salary allowed exceed \$1,500 per annum; the said superintendent should be a bonded officer.

No department of government is as dependent upon constant and intelligent supervision for success as the school department, both in county and in state.

It matters not how excellent may be our school statutes, if we have not efficient and zealous supervision the results will never be

responsive to the means expended. Faithful supervision is economy, while, on the other hand, partial supervision is extravagance.

A careful observation of the workings of the law for the past two years, as made through extensive official correspondence with officers who have tested its efficiency by the keen edge of experience, leads me to propose for your respectful consideration these suggestions.

Respectfully your obedient servant,

O. N. HOLLINGSWORTH,
*Secretary Board of Education.*¹

APPROPRIATIONS FOR SUPPORT OF FREE SCHOOLS AND
PAYMENT OF PUBLIC DEBT

EXECUTIVE OFFICE, STATE OF TEXAS

AUSTIN, April 22, 1879.

To the honorable Senate of the State of Texas in Session Assembled:

GENTLEMEN—I have approved the bill entitled “An act to make appropriations for the support of the State government for the years beginning March 1, 1879, and ending February 28, 1881,” which originated in the Senate and passed both houses of the Legislature at the present session, with the exception of the following items of appropriation, which I do not and have not approved, and which are respectfully returned to your honorable body with my objections to such items becoming a law as part of said bill, the said items not approved being as follows, to wit:—

1. Under the head “educational department” the following item of appropriation, to wit:

“The entire available school fund annually derived from all resources including the poll tax and one-fourth of the general revenue, is hereby set aside annually for the support of the public free schools.”

.....

I do most sincerely regret that a sense of duty requires me to withhold my approval of the said items of said bill. The first

¹*Ibid.*, 39-40.

named item, upon which it is publicly known that both houses were equally divided, except one vote in each house, I disapprove, because it imposes a tax on the people greater than they can now bear, and at the same time furnish the means to support an efficient and economical government. The other two items I am constrained to not approve, because if the laws relating to the collection of taxes and to common schools shall remain as they are now, devoting the first item, as it is collected, to a special fund, the last two items, being collected as general revenue, can be and will be absolutely needed to be used in defraying the necessary expenses of the State government. The reasons inducing my action in this matter cannot be fully appreciated without a recurrence to the history of the State government since the reconstruction in 1870. Upon the occurrence of that event in Texas, it should be recollected that a magnificent government was set up in this State, with high salaries, large expenditures in fees of offices, and in every department of the government, including public schools and frontier protection. At that time there was plenty of money in the country; labor was remunerated with high wages; production was paid high prices. It was not singular that miscalculations should then have been made as to the ability of the people to sustain such a government by those then administering public affairs in this State. At the end of four years, upon a change of administration, it was found that (as since ascertained and reported by the comptroller) the State had incurred a debt of over four millions of dollars, much of which was a floating debt, not reduced to interest-bearing bonds. The credit of the State was low, and warrants were low. At once an effort was made to meet these debts, and to restore the credit of the State. It was necessarily done at a sacrifice of means. An effort was made to push back a receding frontier, which required heavy outlays of money that have resulted in extending it one hundred miles or more. An effort was made to curtail superfluous expenses generally, which, when once established, is always difficult of accomplishment, as those receiving the benefit of it are slow to give it up for the public good. Much, however, was done in that regard. In 1875 the convention to frame a new constitu-

tion adopted measures of retrenchment, limitations and reforms, whose full scope has never yet been fully appreciated and acted on, in reference to the finance of the State, as I will presently bring more obviously to view. Efforts were made under this constitution to retrench the expenses of the government, and to increase the efficiency of the actual government of the country.

The necessary means to attain these objects have themselves entailed additional expenses over and above the ordinary expenses of carrying on an economical government. It should be borne in mind, as a most important fact, that during all this time, for the last five years, the circulating medium of the country has been constantly and gradually diminished, so that labor and production have received less and less remuneration, and the burdens of the expenses of the government have been proportionally increased, and thereby the measures of retrenchment and reform have not been felt as they otherwise would have been; and hence, also, miscalculations in regard to the effect of measures have been made by previous Legislatures, who have doubtless acted in good faith in promoting the best interest of the country by their action. Entertaining this view of the subject, I have in my inaugural and messages to the Legislature at its present session endeavored to present to you, and to the people of the State, the true condition of the country as it now exists, the difficulties in which we are involved, and the way out of those difficulties as best I could, without any reflection whatever upon any officer or legislative body heretofore engaged in the administration of the State government, deeming that they have done whatever patriotism and public duty required of them for the time, according to their best judgment.

It is hardly necessary to call your attention to the fact that finding a large deficiency of public debts, now estimated at over one-half a million of dollars, already incurred, and large excess of expenses over current annual revenue, I recommend a cutting down of the expenses generally in everything, without such a diminution as to produce an embarrassing shock in any department of the government, but sufficiently so as that the annual revenue should be equal to the current expenses, and also to pro-

vide the means, as far as practicable, for the payment of the outstanding debts creating the deficiency. The present Legislature have been most industriously and laboriously employed, not only in numerous local, sectional and amendatory measures, but also in carrying out this policy by reducing salaries and curtailing expenditures in different objects—both pensions and frontier and police expenses being cut down—not that I recommended it so much, perhaps, as from their own convictions of its obvious necessity under existing circumstances. Upon two leading subjects of expense there has been as yet no change in the course of legislation, which are in the appropriations of one-fourth of the entire State revenue for the support of the common schools (amounting as estimated to \$400,000) and the appropriation for the payment of the interest of the bonded debt of the State and the sinking fund annually set apart to pay the same (amounting to nearly \$500,000 more), making in the aggregate nearly \$900,000 taken first out of the \$1,600,000 net revenue of the State, as it is estimated by the comptroller, and which leaves only about \$700,000 with which to defray the current expenses necessarily incurred in the administration of the actual government of the State. That amount is not only not enough, as is shown by this appropriation act, but its deficiency is greatly increased by its postponement to the other two leading and principal appropriations, that are favored by the preferred payment of them under existing laws. This preference given to these large appropriations, though for objects constituting the mere incidents of government, and not the expenses absolutely necessary to carry on the actual government itself, constitute the continual clog and derangement of our whole financial system, and will continue to do so as long as it is allowed to continue.

To illustrate the combined operation of these two clogs, as they operate together practically, the assessors of taxes, shortly after the first of this year, commenced assessing the taxes on property in the hands owning it on the first day of January last, including an enumeration of the scholastic population; on or about the first of September the rolls will be returned to the comptroller's office, showing the probable amount of revenue to

be collected for the year, and the scholastic population; when the board of education will set apart to, and give orders for, each county its proportion of the one-fourth of the revenue (which last year, in one hundred and thirty-five counties of the State, amounted to largely over one-fourth of all the taxes collected in those counties). The tax collector will then proceed to collect the taxes and pay into the county treasury all the taxes he collects, until that amount is paid, by which but little, if any, money is sent by him to the treasury at Austin until after the first of next January. This is not all. From the first of July the treasurer of the State, having just paid one installment of interest of nearly \$200,000, which he has been saving for that purpose, is required by law to hoard up a similar amount for payment on the first of January, and if he regularly reserves and sets aside or invests the sinking fund semi-annually, that is \$100,000 more, so that in about one-half of the year about \$900,000 will be appropriated to these two preferred claims, draining the treasury of means during that whole time, to pay the current expenses of the actual government of the country. The consequence must be that the treasury warrants, issued during that time to all the officers and employees of the government, and to defray the expenses of the frontier and police service and of the asylums, must be put upon the market and sold at a ruinous discount, or if those for expenses of the frontier and of the asylums should not be sold, articles and supplies would be purchased by them at a corresponding loss, which amounts to the same thing. It is easy to perceive from this statement, which is sufficiently accurate for illustration, that if the \$700,000 left was sufficient to meet all of the expenses at the end of the year, the treasury warrants, during a large portion of the year, would be sold at a discount, and if a recurring deficiency from year to year is entailed upon us, we may reasonably anticipate that treasury warrants will generally be the subject of speculation, as they have been heretofore very often and unavoidably so, under this system of finance. It does no good to complain, that capitalists do and will speculate in these warrants, when the opportunity is offered fairly to do it. The fault or misfortune is in allowing the opportunity, if it can

be avoided. The constitution of 1876 sets up barriers against the powers of the State government on the subject of finance, which confine it to certain well defined limits and sphere of action. On the one hand, it cannot levy State taxes exceeding fifty cents on the one hundred dollars, except to pay the interest on the public debt. On the other hand, it cannot create a debt at any one time for casual deficiencies over two hundred thousand dollars. Money in the treasury or to come into the treasury by the operation of a law constituting it a special fund, cannot be used for any other object, and is thereby abstracted from the general revenue. By these restrictions, the government is required to limit all of its expenses, except the interest on the public debt, within the amount of revenue raised by taxes, not exceeding fifty cents on the one hundred dollars. If the said expenses exceed that amount, our bonded debt must be increased from time to time, limited to two hundred thousand dollars at any one time; and if the deficiency is greater than that amount, as it is now, something else must be resorted to for relief.

The course of legislation has placed another restriction upon the action of the Legislature, by placing in the law regulating common schools and in the law for the collection of taxes a provision that one-fourth of the revenue and one dollar poll tax shall be assessed and collected for the support of common schools, thereby making it, when collected, a special fund for that purpose; that, as it is believed, is neither required nor contemplated by the constitution, which says that "there shall be set apart annually not more than one-fourth of the general revenue and a poll tax of one dollar for the benefit of free common schools." To carry out the obvious intention of this provision, whatever amount is set apart should be collected as general revenue. And then in making annual appropriations so much could be set apart within the prescribed limit as could be spared for that purpose at the time of making the appropriation. Whereas under the present plan of designating it, as a fund when collected, the Legislature at each succeeding session will be restricted to using it as such, however ill-able it can be spared in carrying on and defraying the current expenses of the government, of which we have

had a most notable instance in the appropriation of \$600,000 for common schools, making in all for the scholastic year \$900,000.

In the effort at retrenchment, the salaries and compensation of numerous officers and employees of the government have been diminished. The school masters of common schools are not more deserving than they are, either as individuals or as a class.

The prime object of levying taxes is the necessity of supporting an efficient government and of paying the officers and employees who administer, support and maintain it by their labor and means. The public support of free common schools is a secondary object compared to the administration of the government; so, also, is the payment of interest on the public debt, however desirable it may be for both of these things to be done. If the condition of the country is such as that taxes cannot be collected sufficient for all of these purposes at any one time, the actual government should first be maintained rigorously and efficiently, and the other objects should have devoted to them what could be spared from the revenue after defraying the necessary expenses of an economical administration. Such is the practice, as it is believed, of all other governments in this whole country except that of Texas, and should be so here.

It is now obviously certain, as I believe, that the expenses provided for in the present appropriation act will exceed the revenue that will be collected, if one-fourth of it is appropriated to common schools, unless there is a special tax levied over and above that of fifty cents on the one hundred dollars. And that presents the issue squarely of more taxes on the people or less pay to common school masters. Should the Legislature see proper to repeal the restrictions in the tax law and school law, that have been referred to, and appropriate so much of the revenue as can now reasonably be spared from the current expenses in administering the government of the State, it, with the interest derived from the bonds belonging to the fund, will give such aid to the schools as the country is now able, without increasing taxation, which is not now practicable, and will leave

the succeeding Legislature free to do on this subject whatever their duty may then require, under the condition of the finances of the State at that time.

Should the Legislature choose to continue this large appropriation, or to continue in force the laws tying it up as a special fund, then the only resource is to use the revenue that would pay the interest on the public debt in defraying the necessary expenses in carrying on the actual government. And this necessity presents squarely the issue of repudiation for a time or less pay to common school masters. It may be a deplorable alternative, involving loss of good credit to ourselves and inconvenience to our creditors. They will understand the small size of our public debt, compared to our prospective resources and capacity to pay ultimately; they may even feel more secure ultimately, if, by the use of the interest for a time, these exorbitant appropriations, beyond the capacity of the country to pay, can be stopped. And if the worst must come, it is better that we should not have good credit, if it is to be made the reliance for increasing the debt, increasing the taxes, and increasing the prospect continually of ultimate bankruptcy to the State or impoverishment of its people.

With no public lands sold to extinguish or diminish the public debt, with the school lands not put upon the market so as to increase rapidly the common school fund, and with such enormous appropriations for the benefit of teachers continued from year to year, the prospect before us is to continue to pile up deficiency upon deficiency, and thereby increase perpetually our public debt until it shall reach an amount that will be repudiation in fact, or burden the people with onerous taxes, leaving Texas all the time with a crippled and inefficient State government for the want of adequate means to defray the necessary expenses of it. Such a destiny should now be averted while it can be safely done.

O. M. ROBERTS, *Governor*.¹

¹*Report of the Secretary of State of the State of Texas, from January 23, 1879, to January 1, 1881. Appendix, 120-125.*

GOVERNOR'S MESSAGE TO EXTRA SESSION OF THE SIXTEENTH LEGISLATURE.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, June 10, 1879.

To the honorable Senate and House of Representatives in Legislature assembled:

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The matters submitted for your action in the proclamation convening the Legislature are as follows:—

.....

Third—To make an appropriation of a specific amount for the annual support of the free common schools, out of the interest of the State and railroad bonds, now over \$3,000,000 in amount, and so much more out of the general revenue as can be spared therefrom after providing for the prompt payment of the necessary expenses of an efficient and economical State government, and to repeal all laws or parts of laws that undertake to set apart or designate the amount of said annual appropriation for said purpose, in advance of or differently from the said specific appropriation now to be made, in order that hereafter each recurring Legislature may be left entirely free to determine the amount that can be safely appropriated specially for said purpose under the then existing financial condition of the State.

Fourth—To provide for the sale more expeditiously of the lands belonging to and set apart to the free common school permanent fund, amounting now in surveyed and unsurveyed lands to about thirty-five million of acres, and the investment of the proceeds thereof in order to raise a large fund in the shape of interest-bearing bonds to enable this State, as soon as possible, "to establish and make suitable provision for the support and maintenance of an efficient system of public free schools," which is required by the constitution, which has not yet been done or even approximated by the very large appropriation of

one-fourth of the entire revenue raised by taxation annually, aided by the interest of \$3,000,000 of State and railroad bonds belonging to its fund, and never can be by a direct State tax, without the aid of a large fund yielding interest, and it may be not then without the aid of voluntary local taxation as is done in other States.

Fifth—To provide for the sale of the university lands more expeditiously, and the investment of the proceeds thereof, there being now, of bonds, money and notes belonging to said fund, something less than one-half a million dollars, and of lands, surveyed and unsurveyed, one million and over two hundred thousand acres, in order that in some reasonable time in the future a State university may be established, which has already been deferred forty years since the donation of fifty leagues of land to it, and may be deferred forty more under the present mode of selling and not selling its lands.

Sixth—To provide for the sale and investment of the proceeds of the lands belonging to the funds of the lunatic asylum, of the blind and the deaf and dumb institutes, and of the orphan asylum, now consisting of over four hundred thousand acres, to aid in the support of those institutions, which now cost over \$75,000 annually out of the general revenue derived from taxation, and should be enlarged as soon as practicable to receive double the number of inmates, if all were received that should be.

Seventh—To provide for appropriation out of the general revenue for defraying incidental expenses of the board of education, in the management of the free common schools, and the expenses of the normal schools at Huntsville and Prairie View, instead of drawing them from the fund set apart for the support of the free common schools, which the constitution requires to be distributed to the counties according to their scholastic population, and to repeal or amend all laws not conforming to such appropriations from the general revenue as here indicated.

Eighth—To amend the law establishing the agricultural and mechanical college at Bryan, so as to allow the board of directors to devote and apply the interest of its fund or a part of it

to other purposes than to pay "directors, professors and officers," so that it may be made more conformable to the design of said institution, for the education of skilled labor in agriculture and the mechanic arts.

.....

PUBLIC FREE SCHOOLS

Is another subject that mainly entered into the occasion of the Legislature being convened in special session, and it is therefore proper that I should give my views thereon, as a predicate for such recommendations as I may make in relation thereto.

The best and most satisfactory common schools that we ever had were those during a number of years before the late civil war. Then the state aided the people's schools with a bounty, by paying for indigent scholars that went to school. In other States, where good public free schools are maintained, the State devotes a sufficient amount from the public treasury or public funds to take control and give direction to and supervision of the schools; but the great bulk of the means to support and maintain them is contributed by the local authorities where the schools are taught, all being regulated by law and working in harmony.

It is hardly necessary now to indulge in any speculations as to the best modes and means of promoting common school education in this State. The constitution, which must control legislation, indicates both the mode and the means by prescribing that "it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." By this the State assumes the whole duty and burden of establishing them, that is, of prescribing how they shall be instituted and conducted, as well as to provide the means to make them public free schools. The manner of providing the means for their support and maintenance as free schools so as to render the system, established by the Legislature, one efficient system is also prescribed in the constitution. It is in the power given to sell com-

mon school lands (of which there are now about 35,000,000 acres), and by investment in bonds to increase its fund, now over \$3,000,000 in bonds drawing interest for it. It is in the power "to set apart annually not more than one-fourth of the general revenue of the State, and a poll tax of one dollar." The interest on the bonds and the taxes authorized and levied are required to be applied annually to the support of the public free schools. What standard of efficiency, when was it to be arrived at, what degree of learning does it import, what is to be the qualification of its teachers, who shall supervise its operations, what shall be the character of school houses, and whether rented, built or bought by the State, what shall be the ages of the scholars, what amount shall be distributed, and in what manner, how shall the schools be organized and conducted, how and when shall the lands be sold to increase the fund? These and many other questions might be put, when considered in connection with the condition of the country. Its scattered population and its financial capacity show that a large discretion was necessarily left to the Legislature in the accomplishment of the object required of them. The convention must be supposed to have intended something practical, and not that the Legislature should or could at once speak into existence an institution in this new country, with complete efficiency, as it exists in older States that have been half a century in building up and perfecting them. Nor could they have intended that the vain effort to do it should be attempted in a way to sacrifice or even jeopardize other important objects. But rather it is to be supposed that they required that the Legislature should at once set about it, and continue their efforts from time to time as the condition of the country might permit and require and develop the means placed at their command, and step by step advance in its improvement until it should mature into "an efficient system of public free schools."

The constitution enjoins upon the government numerous other important duties. One of them is to make good laws and have them well executed for the protection of the life, liberty and prosperity of its people. That is not emblazoned in terms upon

the pages of the constitution with positive and specific directions, like that for the school system. The reason for that is, not but that it is more important relatively, but because it is nothing new and because it underlies and pervades the whole fabric of the constitution. The direction of duty about the schools is positive and specific, simply because it was designed to map out a new system and to introduce a new feature in our governmental policy and give it a shape we had not long been familiar with in this State; and, therefore, it follows that the mode of expression adopted to impose the duty to establish public free schools is no criterion of its relative importance, compared to other duties, and no evidence that it is given a special precedence over others. While all duties are binding, they are, in the very nature of things, not equally imperative in the obligation of their performance when all cannot be performed to the fullest extent. The duty upon a man to feed, clothe, shelter and protect his family is more imperative than that to send his children to school, though he may be in duty bound to do all these things, if he can.

The highest and most imperative duty resting upon a State is to make good laws and have them all well executed, for the protection of life, liberty and property, and certainly those who perform that duty for the State are entitled to be its preferred creditors, who should be paid for their services without delay and without suffering discount.

That being done with certainty, it is our duty to support and maintain the public charities, and the public free common schools to the extent of our ability, if for no other reason because the constitution imposes it upon the Legislature as a duty. that is reason enough, and there is no use in arguing the right or the wrong of it now.

It should be done in a manner that would least discommode the accomplishment of the more important object. I herewith submit a detailed report from the secretary of the board of education, containing a statement of the operations of the systems of public free schools from 1874 to the present time. From an examination of this, it will be seen that the mode of distribut-

ing the funds to the counties involves uncertainty in estimating the proper amount, which results in lapping over from year to year parts of it in the precaution properly used not to apportion too much, by which the scholars of subsequent years get the benefit of part of that which was appropriated to those of former years. This, strictly considered, might be found contrary to the constitution.

The board, when the new amendment of the school law goes into effect, will apportion on the first of July each year the fund to the counties. They will have no tax rolls by which to determine the amount of the assessment for the year, and will have to guess what it will be by what it was on a former year, and it will not be ascertained what amount should have been apportioned until the close of the accounts of the treasurer on the last of August of the next year. This results from an appropriation of a fourth or a sixth of the revenue, instead of a specified amount in dollars, as it was formerly done. Another objection is, that the apportionment is made, and the whole amount in the shape of orders on the tax collectors in favor of the county treasurers is sent out at one time, which causes the taxes of all sorts to be withheld from the State treasury, and, in addition, a large amount of school fund in the treasury from being turned over to the revenue until those orders are satisfied and returned to the comptroller, which causes a scarcity of revenue in the treasury for nearly half the year after those orders are sent out, and it would have that effect, and consequently greatly embarrass our financial system in making prompt payment of warrants when presented during that time, if our revenue was equal to expenses. Another objection to the system is that there are provisions in the tax law and in the school law that specify the proportion of the taxes to be levied and collected for the schools, which is construed to have the effect of making the amount when received in the treasury a special fund, and thereby ties up the hands of succeeding Legislatures from appropriating it to any other purpose, whether the State can afford to devote the amount to schools or not. It would be much more in accordance with the principles of good government and more in harmony with

the provisions of the constitution, that it should be received into the treasury as revenue, wholly subject to the disposition of the Legislature, and be appropriated as revenue, and not as a special fund. I therefore respectfully recommend that those provisions be repealed, and that the Legislature appropriate a particular amount named in dollars, which will include the one dollar poll tax, the interest on the bonds of the school fund, and enough of the revenue to fill out the amount appropriated. The only limitation in the constitution is that the revenue appropriated shall not be more than one-fourth of the revenue, leaving out the one dollar poll tax.

The Legislature will be as well fitted to determine the amount to be devoted to schools as the board of education, who have in effect been making the appropriations under the present law, by a rule laid down by the Legislature; or, if another mode can be found by which the amount can be made certain by the Legislature, after they shall have provided for other necessary objects of expenditures, that may answer the same purpose.

I respectfully recommend that the law be changed, so that the board of education shall give orders at one time for only one-half of the amount apportioned to each county or city entitled to it, and for the other half at another time, after the first order is returned.

I respectfully recommend that separate appropriations be made for the normal schools, and for the expenses of the board of education in superintending the schools, out of the revenue. These items being incidental to and connected with the common school system, may well be taken into consideration as part of it in estimating the portion of the public revenue that can be appropriated to that purpose. It is important that each object capable of separate appropriation should appear in the appropriation act, so as to give public information of what amounts have been appropriated for each, which has not been the case in regard to the public free schools since 1875. (I herewith submit a report of President Gathright about the Normal School at Prairie View.)

THE SALE OF THE PUBLIC LANDS—THE UNIVERSITY, ASYLUM, AND
PUBLIC FREE SCHOOL LANDS.

In my inaugural and messages, again submitted for your consideration, I endeavored to urge the propriety of immediately inaugurating the policy of expeditiously selling off all these lands. It will take fifty years to extinguish our public debt by the two per cent sinking fund, the lands will be gone long before that time, and the people will have to be taxed to pay the debt in the end and the interest of it in the meantime.

The scholastic population is increasing faster than the public free school fund. That means increased taxation to preserve the present standard of schools. There are now about thirty-five millions of acres of school lands, which ought to increase the present school fund from three to fifteen or twenty million dollars. With such a fund drawing interest we might hope indeed to build up and maintain an efficient system of public free schools with the aid of a light tax that would hardly be felt. Equally as good reasons may be given for the sale of all the other lands. I respectfully recommend one commissioner be appointed to sell all of these lands, under the direction and sanction of a board of executive officers; that an appropriation be made to pay his salary and incidental expenses, and that each class of land shall be made to bear the expense of selling in proportion to the value of its land that may be sold. I have good reason to believe that with the facilities thus furnished, and upon extensive publications being made to let it be known, great quantities of land can be rapidly sold, and that it will be the best and fastest way to settle the country with a good population. I deem this a matter of great importance to the public interest in many respects, but especially as it looks to a more speedy closing up of the interest that the State has in lands, and will relieve the people from taxes in proportion to the lands sold.

THE AGRICULTURAL AND MECHANICAL COLLEGE—THE LUNATIC ASYLUM,
AND THE BLIND AND DEAF AND DUMB INSTITUTES.

These are State institutions that have been erected at considerable cost, and are in a state of incompleteness with reference

to the objects to which they are devoted. Learning that to be the case, I have procured reports from those respectively in control of them, in order that they might speak for themselves in representing to your honorable bodies what they respectively deem necessary to the efficiency of these institutions. I respectfully invite your attention to these reports.

As to the college, I think that the law prescribing that the annual interest of the fund donated by the United States, now amounting to about \$14,000, be applied to the compensation alone of the "directors, professors and officers" of the college, should be repealed, and authority be given by law to directors to apply a part of that interest at least more specifically to the main objects for which the donation was made, which is defined by our constitution to be, learning in agriculture and the mechanical arts, and the natural sciences connected therewith. The institution is evidently incomplete in that respect. It is incomplete also in the absence of other improvements, and a library and apparatus, to fit it for the objects of its institution.

As to the asylums, as they are styled in the constitution, surely there is a very high obligation on the State to provide the means of taking care of every indigent insane person in the State, and to receive into the blind and deaf and dumb schools every person in the State that needs and requires the benefit of those institutions. As the State has founded them and advanced thus far with them, as in the case of the agricultural and mechanical college, it would seem proper that they should be brought to a completeness sufficiently to answer the objects, in a reasonable degree, of their foundation. It is certainly within the capacity of the State to do this in an economical way, and then it can more vigorously devote its attention to the promotion of other objects of useful improvements. It is a great drawback to an object of interest to be left to drag along in inefficiency, when a small amount, compared with that which has already been bestowed to start it, would finish it according to the original design. It is upon such consideration that I have thought proper now to invite your attention to these institutions.

Reports of the adjutant-general and of the commissioner of

the general land office, and herewith submitted for your consideration, and which fully explain the objects of their being presented.

In these reports, as well as in those of the State institutions, you will find descriptions of things that are useless or defective, and should be disposed of; and they are thus brought to your attention to induce the passage of a law for the appointment of boards of inspection when necessary to have such property condemned and disposed of.

ADDITIONAL APPROPRIATIONS

There are additional appropriations which I will recommend, amounting, as now ascertained, to \$86,000 on the regular appropriations, and to \$115,000 on the deficiency appropriation, passed at the regular session of the Legislature, which I will itemize and explain the propriety of in another message.

The money for the payment of interest on the public debt at the proper time, and that for the annual sinking fund, is in the state treasury awaiting your appropriation, which I respectfully recommend. I also respectfully recommend, not as a mere formality, but as a means of indicating what I regard as my official duty, to recommend that whatever amount can be safely spared, after the necessary expenses are certainly provided for carrying on the government economically and efficiently administered, and a reasonable provision for the public institutions, be appropriated for the support and maintenance of the public free schools.

O. M. ROBERTS, *Governor*.¹

¹*Report of the Secretary of State of the State of Texas, from January 23, 1879, to January 1, 1881, 127-128, 135-139; Message of Gov. Oran M. Roberts to the Legislature of the State of Texas, (Extra Session), convened in Austin June 10, 1879, 4-5, 12-16; House and Senate Journal (Extra Session), 5-19; Moreland, Sinclair, Governors' Messages, 295-296, 305-310.*

MESSAGE OF THE GOVERNOR
to the
SEVENTEENTH LEGISLATURE

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, January 11, 1881.

*Gentlemen of the Senate and House of Representatives of the
State of Texas, in the Legislature Assembled:*

.....

PUBLIC FREE SCHOOLS

There had been great complaint that our public free schools were conducted without system, and that the large amount of money devoted to them from the State Treasury was in a measure wasted without adequate profit to the scholastic population for whom it was designed.

The subject was thoroughly examined into, and it was found that the complaints were not altogether groundless, though doubtless often exaggerated. It was found that the outline of a plan of organization had been inaugurated that could be built upon to make as good a system as could be made, consistently with the condition of the country, and with the means that could be justly devoted to it. Upon the recommendation of a State board of teachers assembled at Austin, a law was passed and put into operation, that classed teachers into three grades, and paid them accordingly, and required them to induce the children to come to school by making the amount of their compensation partly depend upon it. The result was that more scholars were taught longer than before, a normal school for the education of teachers was established, aided by the Peabody educational fund, and it was all done with much less expenditure of money from the Treasury. For a full explanation and elaborate statistics on this subject you are respectfully referred to the report of the Board of Education in which will be shown the matters relating to the counties separately, with a general summary statement relating both to the organization, the work done,

and the financial expenditures during the two years, prepared by Mr. O. N. Hollingsworth, Secretary of the Board, with great care and labor.

In this may be seen much that will show that our system has not been perfectly carried out; still it is evident that it is from year to year improving.

Upon this subject I respectfully refer you to the report and supplement of the Commissioner of the Land Office, that you may see what a large increase there has been in the sale of the lands belonging to the public free schools, and the consequent increase of that fund since the law of the Sixteenth Legislature went into effect, which allowed as much as three sections of land to be sold to one person without requiring him to settle on it, being 360,360 acres in the first nine months after the land was thus put upon the market.

In the report of the Board of Education an account is given of the normal school, for the education of white teachers, male and female, for which an appropriation was made out of the public free school fund of \$14,000 for each of the years 1879-1880 and 1880-1881. In that school, established at Huntsville, there have been supported, except clothing, seventy-four pupils last year, and provision made for ninety-three pupils this year. It was aided by a donation from the Peabody educational fund, through the agency of Dr. Scars, now deceased, to the amount of \$7,200 for last year, and \$9,000 this year, which is designed to be devoted to teachers to give them good salaries.

The splendid success of this school, its utility in a school system, and the assurance received of continued and increased aid from the Peabody fund, will induce me to request that at least two more such schools shall be established, one in the Northern and the other in Southwestern Texas, to which I will more particularly call your attention hereafter.

It is proper to say that one of the best results produced by the laws that have been passed, and the mode of carrying these out, is the educational interest which has been aroused, and the general confidence inspired that a good practical system of common schools can be established on the present foundation, and

that the state has the means to do it without an onerous burden of taxation. I shall hereafter endeavor to present to the Legislature some considerations for the advancement of education within the state.

.....

Respectfully submitted,

O. M. ROBERTS, *Governor*.¹

GENERAL MESSAGE

on the

JUDICIARY, EDUCATION, INSURANCE, STATISTICS and HISTORY,
RAILROADS, ETC.

THE STATE OF TEXAS, EXECUTIVE OFFICE,
AUSTIN, January 26, 1881.

*To the Honorable the Senate and House of Representatives in the
Legislature Assembled:*

.....

THE EDUCATIONAL INTERESTS

of this State, in all of its grades, from the highest to the lowest, should be regulated and adapted to the wants of the people in every condition of life; should have, in all of its parts and branches, a well-defined consistency and relation of one to the other in the different gradations, and should all be under the same supervision, government and control, to the extent that it is fostered by the State government, not including private institutions of learning. The natural division in the gradation of schools, in order to meet the wants of the people, is into three steps or degrees of education—the common schools for the millions, the academies for the thousands, and the college or university for the hundreds. So it has been, and ever will be, and the encouragement and provision for each degree are equally essential in the effort to elevate society to a higher standard of civilization.

¹*Message of the Governor of Texas to the Seventeenth Legislature, 9-10.*

Attention to either one, to the neglect of any other, will necessarily produce disharmony in its natural order as a system, and a deficiency in the attainment of the desirable objects as an entirety. Being, as a whole, placed under the same supervising control, a curriculum, or course of study, could and should be prescribed for and enforced in each grade, so as to be in harmony in and through the different grades established, and so as not to interfere and conflict with one another in the whole course of education fostered by the State. Fortunately, Texas is now in condition to initiate measures that will eventuate in this grand result. We have the means, as you will see exhibited and explained in the report of the Board of Education, to commence the

INSTITUTION OF A UNIVERSITY,

that, under the constitution, will require the Legislature to submit the question of its locality to the voters of the State, which I respectfully recommend as proper to be done during the present session. It is much to be desired that it should be located at the seat of government, at Austin, where forty acres of land were set apart for it, in a most beautiful situation, in laying off the city, indicating thereby the voice of the founders of our institutions as to where it should be located. It would be here, where the members of the Legislature at every session could conveniently give it their attention and encouragement, and here would be congregated the youth of the country to imbibe common ideas, acquire a love of our State, its history and institutions, and in whatever position in life they might afterward be placed they would be thereby predisposed to think and act on a common design for the prosperity and glory of their own State. It should be open for females, as well as males, qualified to enter it, and such should be the rules in all of our schools, of whatever grades.

ACADEMIES

for a higher degree of education than it is practicable to be furnished in the common schools, and also to prepare persons to enter college, should be provided in every county in the State,

under the immediate control of the local authorities that might be established for that purpose.

This could and should be done, by restoring to the counties the four leagues of land, or the proceeds thereof, if sold, which were originally appropriated to each of them, by an act of the Congress of the Republic of Texas, in 1839, for the erection and maintenance of an academy. This, unfortunately, was diverted to the common schools in each county, by a provision of the constitution of 1876, which should be altered so as to allow the donation by the State to counties to be devoted to its original purpose, which was wisely conceived, and fully as necessary to a complete system of education fostered by the State as common schools or a university—both of which have adequate funds and means in bonds, money and land, if properly managed, without that being added. A neglect of that middle grade of education in our system will induce an impracticable effort on the part of the other two grades to supply its place, and will thereby impair the distinctive sphere that should be occupied by each. In the common schools there would be an effort to prepare persons for the university, which would be a higher standard of education than would be generally practicable, and in the university there would be a lowering of the standard for admittance, that would inevitably lower its character as a high school of learning. There should now be a reservation of lands to supply the unorganized counties with four leagues each, before all the public domain is taken up for other purposes. It would be well, as far as practicable, to locate this reservation for each county within its own limits.

THE AGRICULTURAL AND MECHANICAL COLLEGE,

being, under the constitution, a branch of the university, should be placed under the same supervisory control. I respectfully refer to the reports of the Board of Directors, which will be submitted to you for a full history in the past, and the present condition of the institution, with the recommendations contained in the message accompanying it.

In addition to what is there stated, I would submit that it will be found, since that institution is now and should hereafter

be devoted mainly to the special branches of learning in agriculture and the mechanic arts, as required by our constitution, and as designed by its endowment, that the leading impediments to its success will be the want of scholars, in different parts of the State, so as to distribute the benefits of that sort of education over all parts of it. In this age of material development, much attention should be given to this subject, especially in Texas, where agriculture in a broad sense must be for a long time the leading pursuit, and it is to our interest to add to it as fast as practicable the benefits of the mechanic arts at home. I would recommend, therefore, that 500,000 acres of the public lands be set apart and donated to the institution as part of the university for its encouragement, and especially to be used in supporting at said institution persons from different sections or districts of the State, so as certainly to procure scholars, and by that means spread skilled labor over the State. The

NORMAL SCHOOLS

are a part of, and essentially necessary to perfect, a complete and efficient system of free public schools.

The Sam Houston Normal School, at Huntsville, was provided for by the Sixteenth Legislature by the appropriation of \$14,000 out of the public free school fund, and by a donation from the Peabody educational fund, through the agency of Dr. B. Sears, now deceased. In it has been supported at public expense seventy-four pupils during the last scholastic year, and ninety-three this year. I respectfully refer to the report of the Board of Education for information in regard to it. The Prairie View Normal School, near Hempstead, for the education of colored teachers, was provided for by the Sixteenth Legislature by an appropriation of \$6000 out of the interest of the university fund, because, it may be presumed, that had previously been connected with the Agricultural and Mechanical College, for the education of colored persons, but had failed for want of scholars. In its present organization, under the law, it is strictly a normal school, and as such has been successfully carried on for the last two years, with thirty-five State pupils last scholastic year,

and forty-six this year, at public expense. For the condition of this school I refer to the report of the Board of Directors of the Agricultural and Mechanical College. The marked success of both of these schools gives encouragement to increase the number of them, for which, doubtless, houses will be tendered to the State for that purpose, as it was done by the citizens of Huntsville. To be prepared for this, and to give information to the Legislature on this subject, I, by the aid of Mr. O. N. Hollingsworth, secretary of the Board of Education, have made known to the trustees of the Peabody fund the success of the institution already named, and the great need of an increase in the number of such schools. The death of Dr. Sears, the general agent, has prevented any definite answer to the application soliciting additional aid, nor can it be expected until after the meeting of the Board of Trustees at Washington City, on the first Thursday in February next. I have, however, been assured by a letter from the Hon. C. Winthrop, of Boston, president of said board, that due consideration will be given to the application, and that I would be justified in making my recommendations to the Legislature accordingly.

Should there be two more of said schools provided for, I beg to suggest the propriety of naming one of them after Dr. B. Sears, and the other after Mr. Peabody, as a just tribute of respect for those who have aided us in our efforts to build up a good system of public schools. In regard to the appropriation for all of the normal schools that are or may be established, I would respectfully recommend that it be made directly out of the revenue, and not out of the special funds, as it has heretofore been done. The propriety of taking it out of those funds is extremely doubtful, from the wording of the constitution in regard to said funds. And, being schools auxiliary to, and necessary as a part of, the public free school system, the appropriation for them may be made with reference to the amount of revenue set apart annually for the public free schools, and be so adjusted as never, altogether, to exceed the constitutional limit. And I again recommend that the amount of revenue to be devoted to the public free schools be specifically named by the

Legislature, as it was done before the session of 1876, and that it will be specified and shown in the acts of the Legislature, so as to be easily accessible to, and known by, the whole country, what amount of the general revenue has been given annually. The Legislature can form as accurate an estimate of the probable amount of revenue to be collected as can the Board of Education, who have invariably had it to do before the assessment rolls for each year had reached the comptroller's office. This, too, would be more conformable to the constitution, which expressly says that "there shall be set apart annually not more than one-fourth of the general revenue," etc. It is general revenue, not exceeding one-fourth of it, that is to be annually set apart. It should come into the State treasury as general revenue, and not as a school fund, to be estimated annually by the Board of Education, which never has been done with anything like accuracy, and can never be, as any one will readily perceive who will take the pains to examine and understand the subject in all its details.

THE PUBLIC FREE SCHOOLS

have been taught upon an average over the State about four months annually for the last five or six years. It was done last year with one-sixth of the general revenue added to the other sources of the available school fund, which was the interest on something over \$3,000,000 in bonds, and the \$1 poll tax. It can not, for many years, be kept up to the standard of four months annually by those revenues, and even one-fourth of the general revenue, for the reason that the sources, from which the available school fund for annual disposition to the schools, including that derived from taxes, are not and have not been increasing five per cent. per annum, whereas the scholastic population has, for the last five years, been increasing ten per cent annually on the number of preceding years. An elaborate and carefully prepared report of the operations of the schools and all of the leading matters pertaining to them will be found in the report of the Board of Education, and in the statistical statements connected with it, to which you are respectfully referred for

full information. It is very desirable to keep the schools up to the standard of four months in the year.

The great body of the children of the scholastic age, whose parents live in the rural districts of the county, may not, ordinarily, be spared from home to go to school longer than four months, and, with good teachers, who have the proper educational spirit, and could inspire their scholars within that length of time during six consecutive years, would be sufficient to give them a common English education, sufficient to fit them for the ordinary business avocations of life. That is all that this State or any other should attempt to accomplish by means of taxing the people to do it. Those who live in cities and in incorporated towns, and whose children can generally be spared from home to go to school longer than four months, may unite in assuming to control their own schools, and, by voting to tax themselves in aid of what is given by the State, may send their children to school as long as they may desire to do it. When our population becomes sufficiently dense the counties may be laid off into rural school districts, and the same be done in them as may now be done in our cities and towns, by a change of the constitution authorizing it to be done by said rural school districts. Indeed, that is the way in which the most of the States carry on their schools, the great body of the funds for carrying them on being raised in the districts where the schools are taught, as will be fully shown in the report referred to. I have not seen and examined the comptroller's report, by which to make estimates in regard to the probable receipts of general revenue during the next two years; but from my general information it is thought probable, when it is examined, as it should be before making estimates, that there will have to be an increase over one-sixth of the revenue to keep the schools up to the standard of four months, especially if the Legislature should diminish the taxes. It is certain, however, that the proportional increase of the scholastic population over the increase of the available school fund annually will necessitate some means by which the present standard of the schools at least can be maintained.

The means for that purpose at our command, and the only

means, without in a very few years hence increasing the taxation beyond the constitutional limit of one-fourth of the general revenue, will be by the more rapid sale of the school lands, by making better arrangements for facilitating their more rapid sale, and selling for a fair value in any quantities to suit purchasers. The change made by the Sixteenth Legislature in the sale of three sections of land to one person without requiring the land to be settled on, instead, as formerly, 160 acres with settlement required, caused to be sold the first year over 300,000 acres of school land; whereas, for five years previously, the annual average sales were not more than about 11,000 acres. In the western portion of the State, where most of those lands are situated, persons who engage in farming will for many years to come depend partly on raising stock, and will require larger tracts of land even to make a livelihood than is required in other portions of the State. Said lands alternating with railroad lands, neither those who own them, nor the State, can sell lands to establish colonies or ranchos, or even farms with annexed stock lands, to suit purchasers. There have been numerous inquiries made, and many visitors to Texas, for the purpose of ascertaining how large tracts of pasture lands for stock, and farming lands to form colonies in the west, could be purchased, and it is reasonably certain that many times more land could have been sold than was sold, if the sales could have been made without the limitation of quantity that was imposed. The woodlands, and those that have valuable timbers, should only be sold for money paid down, and not on credit, as otherwise the first payment may be made, the timber cut off, and the purchase abandoned, leaving the land valueless. The great body of the lands might well be sold on long time, with interest lower than 10 per cent, as it is now.

To carry out these objects, I respectfully recommend that an office be created, to be filled by a bonded officer, to be styled "the State land agent" to be in the land office, where he can have free access to the records, who shall, under a law defining his duties, have charge of the sale, subject to the direction of or to rules prescribed by the board of executive officers (of which

the Commissioner of the General Land Office shall be one) of the school lands, the different asylum lands, the university lands, the lands for the payment of the public debt and of any other lands that may be appropriated to public uses under the control of the State government.

Should this plan succeed, to increase all the funds belonging to those institutions the taxes for their support might be proportionally diminished, and at the same time the State government might be placed in a situation to increase the annual term of its common schools without burdening the people with enormous taxes, which will have to be done even to maintain them at the present standard, if those lands are not sold more rapidly. The more rapid sale of all these lands would tend to improve in wealth and interest.

These lands being sold, and the funds increased by the purchase money being invested and drawing interest, for annual use, the lands thereafter being taxed to raise revenue, and the public debt being diminished and ultimately extinguished, and our country being settled more densely, so that provision can be made for the rural school districts taxing themselves, as the cities and towns can now, and good teachers, trained at our normal schools, being scattered all over the country in the schools, then, and not until then, can it be reasonably expected that our public free schools can be brought to a complete and efficient system, and sustained just as they are in the older and densely settled States; and then, too, all of our other educational interests will have been elevated, so as to redound to the benefit of, and be the pride of, our own people, and to compare favorably with similar institutions in other States of the Union.

That they may all be built up together in harmonious cooperation, I respectfully recommend that they be put under the same supervisory control and government, by the creation of a board of education, embracing not only executive officers, but also distinguished citizens in the different parts of the State, with authority to form an acting directory of which the secretary of the board or superintendent of instruction, as he may be called, shall be a part, and be also an officer, with a

salary. This will require an amendment to the constitution, which could be submitted to the people when the location of the university is submitted to them.

I desire to call attention to a few facts that constitute an impediment to the success of our system of public free schools, and prevent them from having the full sanction and encouragement of the community as a whole.

1. There are a large number of persons who object on principle to public taxation to educate other people's children, as well as their own. Now, if we could raise an endowment fund of \$30,000,000 or \$40,000,000 by the sale of our lands, surveyed or to be surveyed, amounting, as estimated, at over 40,000,000 acres, and our taxes for school purposes be thereby diminished, and the great benefits to society arising from our educational efforts be exhibited and recognized, this objection would be greatly, if not entirely, removed; and if, by a more rapid sale of the lands, it can be seen in advance that this is the object aimed at, and practically attainable, that, itself, will tend to prevent active opposition long before the object itself is fully attained.

2. The clause in our constitution which prevents any part of the public free school fund from ever being appropriated to, or being used "for the support of any sectarian school," caused objections to be raised in two ways, to-wit: That, practically, it is evaded by teaching the forms of worship and precepts and particular religious tenets on the one hand; and, on the other hand, that it excludes any religious or moral training in the schools whatever. And, hence, there are a number of schools in the State that do not receive any benefit from the public free school fund, and a number of persons who will not send to the public schools for one or the other of the reasons above mentioned, although they have to pay taxes to support them. This provision has been construed from its literal import to exclude schools that are under the control of any denomination or organized interests, of whatever character, from receiving the benefit of this fund, because they are sectarian schools; that is, the schools of a sect, notwithstanding they may not profess to

teach in said schools the peculiar tenets of that sect. I think, and therefore submit, that the phraseology of that provision is unfortunate in not properly expressing what was undoubtedly intended by it—which was to keep State and Church separate, and not to avoid the necessity and importance of teaching any religion in the proper sense of that term, which embraces the duty and relations of man to man in society, and the duty and relation of man to his Maker. Surely the precepts contained in the Ten Commandments, in the Lord's Prayer and in the Sermon on the Mount, taught in a school to pupils, could not be a matter of objection by any class of religionists elevated above the retaliatory and revengeful creed of a savage Indian or of a barbarian. Reading them out of a particular book, or the practice in the school of any forms of worship, or the inculcation in any way of the peculiar tenets of any creed whatever, are very different things. That is sectarianism, and is not religion in its broad sense, common to civilized men, which ought to be taught for the benefit of the rising generation everywhere, and should be excluded from no place whatever. The amount of illegal violence and of other crimes now prevalent in Texas, as well as elsewhere, shows that there has been a great failure to properly teach it anywhere in this country. Had the provisions been shaped so that it could be construed to prohibit the particular tenets of any denomination of religionists, or the peculiarities of any religious creed of religion, from being inculcated by any practices or forms of worship, or the teaching of them by precept or otherwise, a more universal approbation of our school system might have been obtained, and a great want in education might have been supplied, so as to have suited all classes of our citizens, for it has been demonstrated by long experience and observation, where the best system of common schools has been established, that it requires something more than learning to read, write and cipher, with geography, the English grammar, history and other such things in mere scientific education added to elevate a people to good citizenship and true manhood. There must be inculcated a moral sentiment by teaching the proper relations of man to man in society and his

relation to his Maker in order to accomplish that object, and it should not be excluded from the school or any other place by the operation of the law of the land. The religious part of the community feel that their influence for good is ignored and even repelled by this clause of the constitution; and being fully impressed with that idea by the numerous communications made to me and to the Board of Education on this subject during the last two years, I have deemed it my duty to present these views to the Legislature for their consideration, and for such action, if any therein, as may, in their judgment, be deemed for the public good. It involves a question that is before us now that is growing in importance, and must be met sooner or later. On the subject of a university, I respectfully refer you to the memorial of a committee appointed by the State Association of Teachers, addressed to me, and ask for it a respectful consideration, as coming from those who, from their occupation, have given attention and thought to the subject, which I will submit to you.¹

MESSAGE TO THE EIGHTEENTH LEGISLATURE

EXECUTIVE OFFICE, AUSTIN, TEXAS,
January 10, 1883.

*To the Honorable Senate and House of Representatives in the
 Legislature assembled:*

.....

The permanent fund of the public free schools has increased by the sale of its lands from \$1,629,000 to \$5,361,000 on first January, 1883, with a probable increase shortly of over a million of dollars more by the sales of the reserved lands.

The common free schools have been improved, the length of their terms have increased every year, and the amounts annually

¹*General Message on the Judiciary, Education, the Department of Insurance, Statistics and History, Railroads, etc., to the Seventeenth Legislature of the State of Texas, convened at the city of Austin, in Regular Session, January 11, 1881, 9-15.*

appropriated to them have been greater, being this scholastic year over one million of dollars, and the scholastic population has increased over ten per cent upon the number of each preceding year, and now numbers over 295,000.

Two normal schools have been established, one for white and the other for colored pupils, whose expenses at the schools are borne by the State, in which there are now about two hundred pupils, who are being taught and trained to become teachers in our public free schools.

Summer normal institutes have been established during the last two years, which have been numerously attended by the teachers of the State.

It is proper here to note our obligations for the liberal contributions of the Peabody fund to our white normal school, to the summer normal institutes, and to other free schools in cities and towns in Texas.

The Agricultural College, formerly a literary high school in effect, has been transformed into an agricultural and mechanical college in fact, and its rooms are all full of students.

The University of Texas, its main branch, its medical branch, and branch for colored youths, have been located by a vote of the people. One million of acres of land have been added to its fund, the building for the main university, at Austin, is now being erected, and it, with its branches, now awaits the intelligent recognition of the Legislature, in such liberal action as will meet the public demand for its adequate endowment and speedy organization.

.....

PUBLIC FREE SCHOOLS

The leading features of our public free school system are such as are given to it by the Constitution of the State, and such as are given to it by the laws passed since the adoption of the present Constitution.

First, by the Constitution, it is made "the duty of the Legislature to establish and make suitable provision for the support

and maintenance of an efficient system of public free schools.” (Article 7, sec. 1.)

It may be supported by the levy of taxes, the same as any other object of government, and is hereby made a part of the ordinary operations of its administration, the same as the courts, the collection of taxes, quarantine, the penitentiaries, the University, or any other. (Article 3, sec. 48.)

It is given a permanent fund in lands, land sale notes and bonds, which, with the interest thereon, is protected from being appropriated to any other object. (Article 7.)

A part of the revenue shall be set apart to it annually, not exceeding one-fourth thereof, and a poll tax of one dollar, together with the interest of its permanent fund. (Ib.)

This, constituting the available fund, shall be distributed to the counties annually, according to the scholastic population of each, to be applied as may be provided by law. (Ib.)

No part of it can be appropriated or used for the support of any sectarian school. (Ib.)

Each county shall have the benefit in its schools of the interest upon the bonds, purchased by the sale of its four leagues of land. (Ib.)

Separate schools are required to be provided for white and colored children, and an impartial provision shall be made for both. (Ib.)

“The Governor, Comptroller, and Secretary of State shall constitute a Board of Education, who shall distribute said funds to the several counties, and perform such other duties concerning public schools as may be prescribed by law.” (Ib.)

The Legislature may constitute any city or town a separate and independent school district, which under certain regulations, may levy and collect an additional tax for its schools. (Article 10, sec. 10.)

These provisions have been thus collated that it may be seen that they constitute within themselves a complete and consistent system, not as a separate, distinct department, but to be one of the ordinary operations of the government, both in its government and in the provision to be made for its support, except only that it has the advantage of a separate fund to aid in its support.

It leaves to the Legislature the authority and duty of prescribing by law what part of the whole amount of the annual revenue, not exceeding one-fourth, shall be appropriated, how the money, annually distributed to the counties, shall be applied, in carrying on their schools, and what other duties, concerning public schools, besides that of making the distribution of the annual available school fund, shall be performed by the Board of Education, created by the Constitution. Secondly, the law of 1876, passed by the Legislature to carry out these provisions, and the amendments since made to it, were shaped in harmony with them, by making the county judge the general director of the machinery for establishing the schools within his county, by making school communities to depend upon the mutual association of citizens, having scholars within the prescribed scholastic age, eight to fourteen, inclusive, and not by territorial divisions into school districts, by placing schools under the control of trustees, chosen from the patrons, who select and make contracts with the teachers, and otherwise attend to the carrying on of the schools, by requiring teachers to be examined and to be paid according to the grades of certificates of qualifications as teachers, into three classes, first, second and third; by making tuition free to the pupils within the scholastic age, in the ordinary branches of a common education, as in "orthography, reading, writing, English grammar, composition, geography, and arithmetic;" by permitting scholars, not of the scholastic age, to attend the schools upon payment of tuition, and by regulating the manner in which towns and cities can institute their own schools, and have them taught for a longer time than they could be taught by the money furnished to them by the State in its annual distribution.

Thus our school system has been identified and connected with the civil government throughout, and made part of it, with its immediate control localized where its benefits are to be realized.

That this system, ever since its adoption, has worked well and has continued to improve from year to year, is demonstrated, not only by the reports of the Board of Education, but by the gradual withdrawal of public opposition to free public schools, by the increased and continually increasing interest taken in

them in all parts of the State, and by the confidence that has been generally inspired, that a good and efficient system of public free schools can be built upon the foundations already laid, without an unreasonable burden of taxation, if the leading features of the system are preserved and improved upon as the financial ability of the State and the increase of its own school fund may justify it.

I should not have deemed it necessary to have thus presented this subject at the close of my administration, but from the fact that for years past there have been, and now are, in this State, persons who have, and are, actively engaged in the effort to overturn this system, or to fundamentally reform it so as to conform in effect to the system established in Texas under the Constitution of 1869.

The leading features of the system attempted to be imposed upon the State are the creation of a separate department of the government, the appointment of a State Superintendent, District Supervisors and County Superintendents, with power to control the whole machinery of the schools and matters relating to them, and with competent salaries for their support; also, a special tax levied to support the schools, and their vast independent machinery of officers, for nine or ten months in the year, with an increase in the period of the scholastic age, and a consequent enlargement of degrees of education to be paid for by the State.

Such a separate scholastic establishment would annually cost more money than the whole amount of taxes collected off of the people of Texas for all the expenses of the government. It would lead to a central control that would supersede the local control of the schools. There are now seven thousand teachers of those schools, with a regular increase every year. This numerous body of teachers would be embodied in a common purpose of self-aggrandizement by this central controlling power, and would exert an influence all over the State for more and greater advantages for the whole class of persons engaged in this business. The taxpayer would grudgingly pay his special school tax, as it would increase from time to time, and it would become odious, as most special taxes for the benefit of a class of

persons are. Other interests in the administration of the government, that would be less favored, would combine and make war on it as a political machine working for class legislation. It would finally be abandoned, if not (as a similar system formerly existing) in disgust, at least, as impracticable.

The moving cause of this effort is not that four, five, and six months, as now taught in the common schools each year, for six years, is not sufficient to teach children reasonably well in the branches of common education heretofore named, but because it does not give constant employment and adequate compensation to competent teachers, and the standard of common education is not sufficiently high. These objects are certainly very desirable, when their attainment shall become practicable.

But the question is how, and by what means shall their attainment become practicable. Surely, the State is not bound to provide for a higher standard of education for the masses of its people, than that which will fit them for intelligent citizenship in a republican government. The standard fixed by law is certainly high enough to enable the masses of people generally, who receive the benefit of it, to have that general diffusion of knowledge, which is "essential to the preservation of the liberties and rights of the people." That is the object indicated by the constitution, and of necessity fixes impliedly a limitation upon the power and duty of taxation for that object. Any thing in excess of that is beyond any established theory or principle of the obligation of the State to promote the general education of the masses of its people. Something else, than an increased and special taxation, must be resorted to. Our many millions of acres of school lands, may be utilized by sale or lease, so as to largely increase the available school fund to be annually distributed, as it has been doing for a few years past; still it will be found when that fund is fully matured, the rapid increase of our population will, before many decades, have caught up with it, so that its proportion to the scholastic population will then be no greater than it is now, after which time it will gradually get less.

The only practicable permanent remedy for the attainment of the desirable objects that have been named will be found in

the encouragement of more towns and cities to assume the control of their own schools; in the formation of permanent school districts in the counties, wherein the residents can tax themselves when the population becomes sufficiently dense (which will require a change in the Constitution); and until that can be done, in arousing public sentiment in favor of higher education, that will induce free public schools to be attended by a greater number of scholars not within the scholastic age, the compensation for whose tuition by those who receive the benefit of it will gradually lengthen the terms of the schools and increase the compensation of the teachers.

The State having filled the measure of its duty, reliance must be placed on local taxation and compensation from the individuals benefited to furnish the means for longer terms, better pay, and a higher standard of education in the public free schools of the State. And this must be the case under the present system, or under any other that may supplant it, without imposing such burdens of taxation upon the people as they will not bear any length of time. Amendments may, and doubtless will, be made upon the present school law to perfect it more and more, from time to time, as its defects are made known in its practical operation.

One of the greatest obstacles in the way of reaching proper conclusions by educators, and many other friends of education, is their constant failure to keep strictly in view the specific objects of the State in instituting public schools, as indicated by the Constitution and laws of the State.

They habitually devise plans for general education, irrespective of the school in which it is to be taught; whereas the object of the State in regard to each school is specific. For instance, the public free schools are instituted and regulated by the Constitution and law to teach the mass of people such branches only as are necessary for intelligent citizenship in a republican government. Normal schools are instituted to train and perfect the education of pupils sufficiently to enable them to be competent teachers in the public free schools. Summer normal institutes are designed to train and improve teachers who are already engaged in the business of teaching.

The Institutes for the Deaf and Dumb, and for the Blind, are designed to teach pupils such things as will best enable them to supply the want of the lacking faculties, as far as practicable.

The Agricultural and Mechanical College is designed to teach learning in agriculture and the mechanic arts, and the natural sciences connected therewith.

The University is designed to teach the higher grades of learning and science, and to qualify persons for the learned professions.

A proper appreciation of these specific objects will serve as a guide in the estimate of what should be taught, and of the extent of the means to be used in their support, respectively.

I respectfully refer you to the reports of the Board of Education, of the Board of Regents of the University, and other reports of those institutions, with a request for a due consideration of the facts presented and recommendations therein contained.

.....

O. M. ROBERTS,
Governor.¹

PRESIDENT CRANE ON HIGHER EDUCATION

WM. CAREY CRANE, D.D., LL.D.

Dr. Crane succeeded Dr. R. C. Burluson as President of Baylor University at Independence. He occupied this position from 1862 to 1885. One of the few men of genuine scholarship in Texas during these years, he was a recognized leader in educational affairs.

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In conclusion, may I say that the results to which my mind has led me from reflections, study and experience covering half a century, with facilities abundant in reading, travel and social intercourse with the best teachers and thinkers of the age are:

1. That the State is under no obligation to furnish any education for the people except such as is needed to qualify the

¹Message of Gov. O. M. Roberts to the Eighteenth Legislature, 7-8; Journal of the House, 9-16; Journal of the Senate, 8-15; Moreland, Sinclair, Governors' Messages, 431-432, 451-457.

citizen for a voter or juror, and that the literary qualification ought always to be a limit to the right of suffrage.

2. That State colleges, universities or academies should be aided only through grants of land from the Congress of the Union or the Legislature of the State, or donations from counties or individuals disposed to cheapen education by means of endowment funds, producing a semi-annual interest.

3. That denominational institutions are the best institutions, generally, for the proper education of the youth of both sexes for the great duties of life, and as a preparation for a true university course of instruction or the prosecution of professional studies needed for practical business.

4. That it is unjust to tax the people to educate doctors, lawyers, farmers, mechanics, machinists, or engineers, and all such education should result from special and voluntary contributions from individuals and corporations.

5. That while the public school system should be under the control of the State, supported by constitutional enactments; that while the Agricultural and Mechanical College should depend for the support of its faculty and the carrying out of the objects for which founded, and which as yet has not commenced, on what it has already received from the nation and the State, and the probable future grants of land from Congress, all the colleges of the State and all the county academies should form the State University, under the supervision of a Board of Regents; that alternate sections of University lands should only be sold, the interest of which, together with the interest of the sums of university funds loaned in former years to the railroad companies, annually accumulated, should be appropriated to the erection of a suitable building for a true university, and according to a definite scale of worth and merit among all the colleges and academies of the State, for the support only of their literary teachers.

6. That the State should erect one suitable building at its Capital, wherein the Board of Public Instruction should have its rooms; wherein the Board of Regents of the "University of Texas" should have their quarters for the Chancellor and Sec-

retary; *wherein* the library, public documents, cabinets of geological specimens, fossils, relics, and all articles illustrative of State history should be collected; *wherein* a course of lectures of at least four months' continuance should be delivered by the Chancellor and at least six eminent professors or scholars each winter, to which all graduates of colleges, teachers of public or private schools, lawyers, doctors and preachers should be admitted *free* for the course on being registered by the Secretary of the Regents; that these courses of lectures should be different each winter; but embrace in two years the whole curriculum of study and thought; and that such persons as should attend both courses should receive a certificate from the Chancellor of the University that they have attended faithfully and received benefit from these lectures. Such a building, known as the "Bureau of Education," for such objects would save the necessity of any special vote of the people of the State for a local teaching university, according to the model of other States, leaving all class teaching to the respective chartered institutions of learning of the State.

These views ought to be adopted. The people may be too much occupied in minor matters to attend to the inauguration of an educational system which the ample land provisions of the Constitution of the State fully warrant; but it is no less true that Texas has the opportunity of presenting to the world a model system of education, which no people on earth, from the palmy days of Grecian and Roman philosophy down to the times of Lord Bacon and Sir Wm. Hamilton, ever enjoyed.¹

TEXAS STATE GRANGE, 1880

AUSTIN, January 13-16

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DEMANDS

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¹Crane, Wm. Carey *Essay, "Who Ought to Supply and Control the Education Needed by the People?"* Read before the *Mexia Educational Convention*, August 6, 1878, 12-13.

11. That a system of elementary agricultural education shall be adopted in the common schools of the country.¹

REPUBLICAN STATE CONVENTION, 1880
AUSTIN, March 24 and 25

The split in the Republican party was adjusted amicably by the chairmen of the two factions; Dr. Cochran withdrew in favor of ex-Governor Davis. In his address at the opening of the State convention, Chairman Davis advised that body to pay less attention to National affairs and to devote more attention to Texas affairs.

.....
PLATFORM
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4. We hold the following to be among the highest duties of our State government:

(1.) To establish an efficient system of free public schools, to be supported by a liberal appropriation of the public revenue in addition to the income of the permanent school fund.²

DEMOCRATIC STATE CONVENTION, 1880
DALLAS, August 10-13

The Democratic State convention met in Dallas August 10, 1880. Governor Roberts was a candidate for re-election.

PLATFORM

The Democratic party of Texas, in convention assembled, declare:

.....
4. We regard the maintenance of a practical system of public free schools of the utmost importance, and to this end favor the

¹Winkler, E. W. *Platforms of Political Parties in Texas*, 193-194; *Proceedings of the Sixth Annual Meeting of the Texas State Grange, Patrons of Husbandry, held at Austin, Texas, January 13, 14, 15 and 16, 1880.*

²*Ibid.*, 195-196; *Austin Daily Statesman*, March 25 and 26, 1880; *The Texas Capital* (Austin), March 30, 1880.

largest appropriation, within constitutional limits, justified by the financial condition of the State. And we favor the adoption by the next legislature of the constitutional requirements for the organization and maintenance of "The University of Texas."

.....

MINORITY REPORT

The following minority report was presented and read:

.....

3. That regarding the maintenance and perfection of an efficient system of public free schools as an essential to good government, the Democratic party, true to its traditions and policy from 1836 to the present time, does solemnly declare the free education of the children of this State, without regard to class or condition, in the ordinary branches of an elementary education, is a subject of paramount importance in State legislation, and to that end will earnestly favor the appropriation of the maximum amount of such revenues as is permitted by the constitution.

7. That the sale of our public and common free school lands shall be confined to actual settlers, and in such quantities and upon such terms as shall put them in reach of persons of limited means, and to that end such methods as will lead to the speedy sale of such lands in the manner above indicated should be immediately adopted.

CHAS. STEWART,
SILAS HARE,
A. HAIDUSEK,
W. R. WALLACE,
J. B. FORD,
T. T. TEEL,
R. D. HARRELL.¹

¹*Ibid.*, 201-206; *Austin Statesman* and *Galveston News*.

GREENBACK-LABOR STATE CONVENTION, 1880
AUSTIN, June 23 and 24

Chairman Miller, of the State executive committee, issued his call for a convention on April 15th, to meet at Austin, June 23—after the meeting of the National Greenback-Labor convention, at which Texas was, however, represented. Representation was based upon clubs; about 140 delegates attended.

.....
PLATFORM
.....

7. We favor the repeal of the present pretense of a school law, and the establishment of an efficient system of public free schools, and demand the appropriation by the legislature of the full constitutional limit of one-fourth of the general revenue for that purpose.

8. Believing it to be the part of wisdom to preserve the public school lands of Texas as the basis of a grand school fund, we demand the immediate repeal of all laws providing for the sale of the same, other than to actual settlers, in quantities of not more than one hundred and sixty acres to any one purchaser.

9. We demand that the public domain of Texas be reserved for a permanent school fund, and for the benefit of actual settlers under the homestead laws, and a repeal of the law providing for the sale thereof.¹

GREENBACK STATE CONVENTION, 1882
FORT WORTH, June 29 and 30

One hundred and forty delegates, representing about thirty counties of North and Central Texas, assembled at Fort Worth June 29, 1882. On June 28, ex-Governor Davis, chairman of the Republican State executive committee, published a call for a convention; in it he suggested that all elements opposed to the Democrats unite in supporting independent candidates, and that the Republicans refrain from put-

¹*Ibid.*, 198-201; *The Texas Capital* (Austin), June 28, 1880.

ting a State ticket in the field. This same proposition was the great issue before the Greenback convention.

STATE POLICY

1. We declare that the Democratic party was put into power to right the wrongs inflicted upon us by the Republican party, which wrongs consisted in part in involving the State in debt and in granting enormous subsidies to corporate monopolies.

2. That the Democratic party has betrayed its trust. It has doubled the debt. It has exempted the lands of the International Railroad from taxation, in violation of the constitutional provision that taxation shall be equal and uniform, and exempted said railroad company from the constitutional requirements of locating alternate sections for the benefit of the common school fund. . . . It has robbed the public school fund and our people of homes; . . . refused to make the constitutional appropriation for the support of public schools upon the false plea of insufficient revenue;

.....

we call upon all true Democrats and Republicans to join with us in an attempt to establish in this State an administration . . . in favor of an efficient system of public schools and the appropriation of one-fourth of the general revenue therefor, and an increase of the scholastic age from seven to eighteen years, and in favor of an honest, economical, and progressive administration.¹

DEMOCRATIC STATE CONVENTION, 1882
GALVESTON, July 18-21

.....

PLATFORM

.....

¹*Ibid.*, 206-208; *Dallas Herald* and *The Galveston News*.

9. We declare that a liberal provision should be made to endow with the public lands set apart for the payment of public debt—or the proceeds of the sale of the same—the State University and its branches, but in no case should any portion of the common school lands or fund be used for this purpose. We further declare that the debts due the University and common school funds of Texas, denominated as of doubtful validity, should be recognized and paid, with the interest due thereon.

10. We favor the fullest education of the masses, white and colored, in separate common schools, and the advanced education of the youths of the country in our higher schools and State University. We favor the maintenance of normal schools for the instruction of teachers.

11. We favor the submission to the people, of a constitutional amendment authorizing the levy and collection of a special school tax, separate from the general revenues, to the end that an efficient system of public free schools may be maintained, and that the State taxes may be reduced to the actual necessities of the State government.

12. We favor the protection of the public school lands of the State from waste and sacrifice, and pledge ourselves to secure returns from said lands, commensurate with the real value of the same.¹

TEXAS STATE GRANGE, 1882
BELTON, August 8-12

.....

DEMANDS

.....

2. That it is the sense of the Texas State Grange that our State legislature should enact such laws as will make our free school system more effective, so that the free school term may be extended at least to eight months in the year; that the public lands set apart to it be kept intact from every encroachment and

¹*Ibid.*, 208-211; *Galveston Daily News*.

as speedily as practicable made available for their intended use; that we, as an organization, will labor by the use of all proper effort to bring about such result.

3. That the elementary principles of the science of agriculture should be taught in the rural schools, and we will labor to secure the same to be done by the necessary legislation therefor (p. 26).¹

REPUBLICAN STATE CONVENTION, 1882
AUSTIN, August 23 and 24

In his address to the delegates, Chairman Davis referred to his recommendation to the convention of 1880, and to his call of June 28th last, and repeated that it was his judgment the Republicans ought not to nominate a State ticket but support acceptable independent candidates. About four hundred delegates were present; half of them were colored.

.....

PLATFORM

1. We favor an amendment to the constitution directing the levy and collection of a special school tax, sufficient in the minimum amount, together with other moneys accruing to the school fund, to maintain free schools for ten calendar months in the year, in all communities where there is sufficient scholastic population.

.....

5. We believe that the school and University lands should be sold only to actual and *bona fide* settlers at current market values, and on long time, with a reasonable rate of interest, and in parcels not exceeding six hundred and forty acres for farming and grazing lands, and in large bodies for purely grazing lands.

6. We believe that such endowments as have been made to the University should be husbanded and strictly applied to the maintenance of the same, but that no further endowments should be

¹*Ibid.*, 211-212; *Proceedings of the Eighth Annual Session of the Texas State Grange*, held at Belton, Texas, August, 8, 9, 10, 11 and 12, 1882.

made to the University until the State shall have perfected a thorough system of public free schools.

ADDITIONAL RESOLUTION

(15) That we ask the next legislature to extend the scholastic age from six to eighteen.¹

REPUBLICAN STATE CONVENTION, 1884

FORT WORTH, April 29-May 1

PLATFORM

.....

4. That free schools are essential to the life and prosperity of the State and Nation, and we greet with approbation the bill that lately passed the Senate of the United States to distribute over seventy million dollars in aid of such schools, and condemn the course of our senators in opposing said bill.

5. We demand that the thirty million of acres of land belonging to the school fund in Texas shall contribute at once, by a system of lease to the highest bidder, to the education of the children of the State, and demand that not one acre of said land shall be leased at less than the present rates.

.....

7. That we are unalterably opposed to the further squandering of the public lands of Texas, and in favor of reserving those remaining to the State, the free schools and the asylums, for sale to actual settlers in quantities sufficient for homesteads.

8. That while we deprecate the action of the Democratic party in squandering the public lands upon railroads and individuals, notably in the case of the Texas & Pacific and International railroads, in selling millions of the school lands at one dollar per acre, and of the public lands at fifty cents, most of which was acquired by corporations and speculators to the detriment of the best interests of the State, yet we can not condemn in too strong

¹*Ibid.*, 212-214; *The Galveston Daily News*.

language the bad faith of the party in attempting to destroy the titles it had created after they had vested and the lands had risen in value, through smelling boards and their vicious reports so hurtful to the fair fame and good name of the State, at home and abroad.

9. That we disapprove the course of the present Democratic administration of Texas in loaning the school fund (the children's money) to the various counties of the State; that the party squandered enough of the school fund during the late war to have learned wisdom by experience; that we apprehend a fruitful brood of evils in the near future from the reckless course it is pursuing.¹

DEMOCRATIC STATE CONVENTION, 1884

FORT WORTH, June 11 and 12

.....

PLATFORM

.....

5. While we favor the education of the masses by every legitimate means, yet we regard the educational bill pending in Congress, which proposes to appropriate money from the Federal treasury to educational purposes within the States, as an unconstitutional and dangerous encroachment upon the rights of the States, and as another great step towards the centralization of all power in the Federal government and the destruction of the Republic, and we heartily indorse the action of our senators in opposing the passage of the bill.²

BURLESON'S LETTER TO ROBERTS

RUFUS C. BURLESON, D.D., LL.D.

Dr. R. C. Burleson was President of Baylor and Waco Universities for over forty-five years.

WACO UNIVERSITY, WACO, TEXAS, April 29, 1879.

Governor O. M. Roberts, Austin, Texas:

DEAR SIR:—Your telegram requesting the public use of my let-

¹*Ibid.*, 215-217.

²*Ibid.*, 217-220; *Fort Worth Daily Gazette*.

ter on free schools was received yesterday at Dallas. You are fully authorized to use any letter of mine which you think will inure to the public good. I never write anything I am not ready to avow and defend *semper et ubique*. But as that letter is a mere outline or summary of conclusions reached in our protracted interview, it may be liable to misconception; hence I sent you a fuller statement of my views on this great subject:

First—I am profoundly concerned for our educational interest, and as free schools lie at the foundation of practical and universal education, as well as the prosperity of our colleges and universities, I am their friend and advocate. The history, constitution and laws of Texas for forty years demand free schools; the highest interests of Texas, socially, politically and financially all demand an efficient system of public education.

Second—But the present system of free schools is not what the interests and the constitution of Texas demand. It is a failure and a prodigal waste of at least \$800,000 of the people's money; and if continued, will, in a few years, disgrace the Democratic party and destroy our hopes of making Texas the banner State between the oceans.

Third—Some of us, at your request, have strained every nerve and spent days and nights of toil to remodel the system and make it economical, efficient and a blessing to Texas. Such a system as your Excellency could approve, and the people gladly sustain. But, alas! Many of our people, and some of our officials, have no higher idea of free schools than a cheap charity school, paid for by other peoples' money. They seem not to know that the only system of Free Schools a State can sustain in law or justice, must have these four essential elements. 1. Thorough combination or association. 2. Rigid economy. 3. Strict supervision. 4. Great efficiency.

Another great aim of Free Schools must be to improve teachers in the science and art of teaching and elevating the profession of teaching. All these great ends I find fully attained in the Public Schools of St. Louis, Cincinnati, Charleston, Richmond, Philadelphia, Newark, New York and Boston.

But who will dare claim that a single one is attained in our system? Our system has no combination, no adaptation, no

economy, no supervision, and consequently no efficiency; and instead of elevating the character and profession of teaching, is drawing from the State and profession our best teachers, and raising up an army of "pedagoging tramps," as numerous and as hungry as the locusts of Egypt. Our people do not comprehend what that great and good man, Dr. B. Sears, who traveled 1,000 miles to help us renovate our system, said: "Have good Free Schools or none. Poor Free Schools destroy private schools and supply nothing in their place."

"I feel personally sensitive in the failure of our Free School system. For on the accession of the Democrats to power by the election of our friend, Governor Coke, I found the people chafing and maddened under the Davis-DeGress system, and ready to proclaim an elimination of the whole system as an offshoot of radical misrule.

Wishing to remove such false views and utilize the grand fund which our hero founders and fathers had provided for the youth of Texas, I consented to leave my home and my life work in Waco University. I pled for Free Schools in the county seats, and in the Colleges and Universities of over 100 counties in Texas. I everywhere pledged the people that the party in power would remodel the whole system and so adapt it to Texas, as to make it a blessing to the 360,000 children of Texas within the scholastic age.

But these pledges have not been redeemed, yet I never despair of the Republic or any good cause. Rome was not built in a day, nor have our majestic live oaks grown up like Jonah's gourd in a night. It took centuries to develop their giant girth. We must, with God-like patience, learn to labor and to wait.

But I utterly despair of any legislative body in Texas, in the next twenty-five years, giving us just the school system adapted to our diversified wants.

This work can only be done by selecting a committee of at least three of our greatest practical educators, three of our most eminent jurists, three of our most eminent bankers or financiers, and give them time and power to remodel the whole system from turret to foundation stone; give them means to procure books

and school reports, and visit, if need be, the most successful free schools in the United States, especially the West, where the sparseness and diversity of population is similar to ours.

Such a committee, if wisely selected can, with one-tenth of the State revenue, and with provision for local taxation, inaugurate a system of free schools adapted to Texas, and capable of enlargement as our population becomes denser.

Such a system in five years will be the pride of all Texas and repay the expenses of such a committee even in the item of immigration.

Neither the present, nor the Davis-DeGress system, is so well adapted to Texas as the old system prior to 1861.

That was wholly inexpensive and did educate every orphan and every indigent child in a good private school ten months in the year. Yet our present wants demand something more than that system. But what to do in the present attitude of affairs is the vexed problem.

If you veto the present school appropriation bill a wild clamor will be raised against you, and the Democratic party. And besides, it would be a real public calamity to withdraw all aid from such cities as Denison, Brenham, Houston, San Antonio and others, where the free schools by local legislation have become the blessing and pride of the people. But still the stern old maxim confronts us, that "It is a robbery and fraud to tax a man and take away his money for any other than the public good."

No man can defend public schools sustained by taxation except on the ground that they increase the virtue and intelligence of the people, and thereby give greater security to life, liberty and the pursuits of happiness, and that it is cheaper to build school houses to restrain crime than it is to build jails and galleys for criminals. I advocated free schools solely as a police force to prevent crime and thus protect the lives, property and liberties of the people. And I hold it evident, that the history of Germany, France, England and America demonstrated the great fact, that the schools, if properly conducted, afford a cheaper and safer protection against crime than sheriffs, standing armies, jails and penitentiaries.

The State has no right to tax one man to bestow a charity on

another man's child, nor to waste it on a doubtful scheme. But the State has a "divine right" to tax every man to so educate the rising generation—to insure every man's property, person and liberties, to protect them more securely. This is old-fashioned democracy as taught by Jefferson himself. But the sentimental cant about "the State owing to every child an education" savors of agrarianism and would plunge this nation into the vortex of communism in twenty-five years. And it is high time to eliminate from government all these dangerous tendencies.

The logical question then remains, does the \$100,000 expended annually on our free schools so educate the rising generation as to protect the life, liberty and property of the taxpayer?

It is confessed on all hands, that three-fourths to nine-tenths are wasted on a defective system. Then it ought on every principle of logic and good government to cease. It may not be good "party policy" to veto the bill. It may be dangerous to arouse the prejudices of the three great classes: First. The demagogue; second, the unthinking, and lastly, the sincere but mistaken advocates of Free Schools. But in a public life of nearly forty years I have found it safe to ask but one question: Is it right? And then do right and leave the consequences to God.

Trusting you will be able to do all that will promote the good of the State we love so well and have served so long.

I am, as ever, yours truly,

RUFUS C. BURLESON.¹

SAM HOUSTON NORMAL

AN ACT TO ESTABLISH A STATE NORMAL SCHOOL

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That there shall be established in this State, a State normal school, to be known as the "Sam Houston Normal Institute," in honor of Gen. Sam Houston, the father of Texas; and said institute shall be located at the college formerly known as the "Austin College," at Huntsville, in Walker County; *pro-*

¹*The Life and Writings of Rufus C. Burleson, D.D., LL.D., 362-366.*

vided, that the citizens of Huntsville shall, within sixty days from the passage of this act, convey to the state for the purposes of said school a valid title to said Austin College, and the grounds belonging thereto; said conveyance to be approved by the governor and attorney general.

SEC. 2. The board of education shall have possession and charge of said institute on the state's receiving a conveyance of the same, and on or before the first day of September next said board shall put into operation a normal school, which shall be conducted in a first-class manner, and under such rules and regulations, as to the government and discipline thereof, as may be prescribed by said board.

SEC. 3. Not less than two students from each senatorial district, and six from the state at large, shall be received in said institute, as state students, who shall receive tuition, board and lodging free, to the extent of the appropriation that may be made, but in no case shall the current expenses of the institute exceed the sum or sums appropriated. The board of education shall make all necessary rules and regulations for the admission of students, and the manner of their appointment or selection. No student shall be received who is not a resident of this state, and at least of the age of sixteen years, and of good moral character.

SEC. 4. All students attending said institute at expense of the state, as provided in the foregoing section, shall sign a written obligation, in a book, to be kept at the institute for that purpose, binding said students to teach in the public free schools of their respective districts at least one year next after their discharge from the normal school, and as much longer than one year as the time of their attendance at said school shall exceed one year; for which teaching said student shall receive the same compensation allowed other teachers of said schools, and said board of education shall make rules by which students may receive certificates of qualification as teachers authorizing them to teach without further examination.

SEC. 5. The board of education may authorize other students to be admitted into said institute, who shall be required to pay tuition, in whole or in part, as may be prescribed by the board.

Said board shall appoint the teachers of said institute and fix their salaries, not to exceed two thousand dollars for the principal and fifteen hundred dollars for assistants.

SEC. 6. The board of education shall appoint a local board of three directors, who shall hold frequent meetings at the institute, have general supervision of the buildings and grounds, and shall perform such other duties pertaining to the institute, and make such reports to the board of education as said board may require. Said directors shall each receive an annual salary, not to exceed one hundred dollars, to be paid out of the fund hereinafter appropriated.

SEC. 7. It shall be the duty of the comptroller of public accounts, annually, to set apart, out of the available free school fund, the sum of fourteen thousand dollars for the support of said normal school, and place the same to its credit, and which may be drawn upon by the board of education, for the current expenses of said school, on vouchers audited by said board or approved by the governor and attested by the secretary; and on filing said vouchers the comptroller shall draw his warrant on the state treasurer for the same. The board of education is authorized to receive from the agent of the trustees of the Peabody education fund such sum as he may tender for the aid of said institute, and shall disburse the same in such manner as will best subserve the interests of said institute.

SEC. 8. The importance of the early establishment of a state normal school, and the near approach of the adjournment of the present session of the Legislature creates an emergency and imperative public necessity for this act to take effect at once, and for the suspension of the rule requiring bills to be read on three several days, and it is therefore enacted that said rule be suspended, and that this act take effect and be in force from and after its passage.

Approved April 21, A. D. 1879.

Takes effect ninety days after adjournment.¹

LAW GOVERNING VOTING OF TAXES IN CITIES AND TOWNS

Chapter LIX. *An act to amend chapters 5 and 11, of title*

¹Gammel's *Laws of Texas*, Vol. 8, (1482-1483); *General Laws of the State of Texas, passed at the Regular Session of the Sixteenth Legislature*, 182-183.

17, of the Revised Civil Statutes of the State, relating to charters of cities and towns, and towns and villages, so as to authorize the levy of a tax for the support of public free schools, under certain circumstances.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That chapter 5 of title 17, of the Revised Civil Statutes of this State, shall be amended by adding thereto another article, which shall read as follows:

“Article 425a. The city or town council, whether incorporated under the provisions of this title or by any act of the Congress of the Republic, or the Legislature of the State of Texas, shall have power, by ordinance, to annually levy and collect not exceeding one-half of one per cent. ad valorem taxes, for the support and maintenance of public free schools in the city or town, where such city or town is a separate and independent school district; *provided*, that no such tax shall be levied until an election shall have been held, at which none but property tax payers, as shown by the last assessment rolls, who are qualified voters of such city or town, shall vote, and two-thirds of those voting shall vote in favor thereof. The proposition submitted may be for a tax not exceeding one-half of one per cent., or it may be for a specific per cent.: one election, and no more, shall be held hereafter in any one calendar year to ascertain whether a school tax shall be levied; if the proposition is carried the school tax shall continue to be annually levied and collected for at least two years; and thereafter, unless it is discontinued, at an election held to determine whether the tax shall be continued or discontinued at the request of fifty property tax payers of such city or town; when the tax is continued no election to discontinue it shall be held for two years; when the tax is discontinued no election to levy a tax shall be held during the same year.”

SEC. 2. That chapter 11, of title 17, of the Revised Civil Statutes of this State, shall be amended by adding thereto another article, which shall read as follows:

“Article 522a. The board of aldermen shall have power, by ordinance, to levy and collect ad valorem taxes, for the support and maintenance of public free schools, under the rules, regula-

tions and restrictions prescribed in article 425a, chapter 5, of this title.”

SEC. 3. The prospect of an early adjournment, and the necessity for rendering the statutes unambiguous, and placing the support of free schools on a firm basis, creates a necessity and emergency that the rule requiring this bill to be read on three several days be suspended; and it is suspended; and that this act take effect from and after its passage; and it is so enacted.

Approved March 26, 1881.

Takes effect from passage.¹

AN ACT

PROVIDING LANDS FOR COUNTIES TO BE ORGANIZED

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the governor, comptroller, treasurer of the state, attorney general, and commissioner of the general land office, are hereby constituted a board to contract with some suitable person or persons to survey and to return to the general land office the field notes and plats of three hundred leagues of land from any of the unappropriated public domain within the State, or any of the reserves made by act of the Legislature of July 14, 1879, which shall constitute a reservation out of which each of the unorganized counties of this State, as it may be organized, shall be entitled to four leagues of land for free school purposes. The contract shall be let to the lowest and best responsible bidder, after advertisement in one newspaper published in the city of Austin, and one published in the city of Galveston, and one in the city of Dallas, and one in the city of San Antonio, for four successive weeks, for sealed proposals. All bids shall be filed in the office of the comptroller of the state, and shall be by him safely kept until the time designated in the advertisement for opening sealed bids and awarding said contract.

.....
Approved March 26, 1881.

Takes effect ninety days after adjournment.²

¹*Laws of the State of Texas, passed at the Regular Session of the Seventeenth Legislature, 1881, 63-64.*

²*Ibid.*, 65-67.

TOWNS AND VILLAGES ALLOWED TO INCORPORATE

Chapter CII. *An act to amend chapter 11, title 17, of the Revised Civil Statutes of the State of Texas so that towns and villages may be incorporated for free school purposes only.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That chapter 11, title 17, of the Revised Statutes of the State of Texas be amended by the addition of the following articles:*

“Article 541a. Towns and villages authorized to incorporate under this chapter, or having two hundred inhabitants or over, not desiring to incorporate for municipal purposes, may incorporate for free school purposes only, and when so desiring, an election may be held under the provisions of this title and chapter, and if at said election a majority of the votes cast be in favor of the corporation, it shall be the duty of the county judge to make return thereof and cause a record of the result of such election to be made the same as is provided by articles 512 and 513 of this chapter, upon which entry being made such town or village shall be regarded as duly incorporated for the purpose of establishing and maintaining a free school therein, and shall upon notice to the state board of education by the board of trustees hereinafter provided for, receive such *pro rata* share of the available school fund as its scholastic population may entitle it to.

“Article 541b. Upon the entry of record, as provided for in the preceding article, it shall be the duty of the county judge to forthwith order an election of five school trustees for such town or village so incorporated for school purposes, who shall be elected in the same manner and at the same time and whose term of office shall be the same as provided in this chapter for the election and term of office of mayor and aldermen.

.....

SEC. 2. There being many unincorporated towns and villages in the State that desire to incorporate for free school purposes only, and it being important that such incorporations should be duly organized and ready for taking charge of their

schools before commencement of the next scholastic year, thereby creating an emergency that this act take effect from and after its passage, and it is so enacted; and the near approach of the close of the session of the Legislature and the great amount of business now pending creates an imperative public necessity justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended.

Approved April 6, 1881.

Takes effect from passage.¹

EVOLUTION OF EDUCATIONAL OPINION 1876 TO 1884

1. PRELIMINARY SKETCH OF SCHOOL SYSTEM

.....

The Republican party at once began an extended system of public schools, and rapidly organized white and colored schools throughout the State. They laid the foundation for the school system of today. But their efforts were met with strong opposition. This opposition arose from the high taxes that were levied for the support of schools; and from the general belief that the establishment of public schools was intended to more closely ally to Republican ranks, as political partisans, the negroes, who were eager for learning, as the requisite needed to at once place them on a level with the white people. The country was filled with itinerant, strange teachers; the Department of Education was administered by numerous, well paid officers in every county; and high taxes were demanded for their support. It is not surprising that a deep-rooted prejudice should have been engendered in the minds of the masses of white people against public school establishments, conducted on the extravagant plans that were projected by the Republican party. The Central Board, consisting of the Governor, Superintendent of Public Instruction and Attorney General, had almost plenary powers under the law; and, as a Triumvirate, so shaped their

¹*Ibid.*, 114-115.

action as to create prejudices that it has required years to remove.

So far had these prejudices advanced, that, in 1874, when the Democratic party took charge of the State Government, it was with difficulty that meagre appropriations could be secured for the maintenance of the Department of Education; and provisions were made for its support on only a limited scale.

2. SUPERINTENDENT HOLLINGSWORTH'S WORK.

Superintendent Hollingsworth, who went into office in 1874, labored assiduously during the years of his administration to restore confidence; but in 1876 the Office of Superintendent of Public Instruction was abolished—the Constitution submitted for adoption by the People in that year not making provision for its continuance. The organic law provided that the Governor, Comptroller and Secretary of State should constitute the State Board of Education, and distribute the School fund, and perform such other duties, in relation to the Public Schools, as might be provided by law. The School Law of 1876 had for its leading feature what was known as the "School Community" system as its basis. This system is too well understood to require explanation, having been in force for eight years over the whole State; and being still the system in ninety-five counties. The Act of 1876 provided for the appointment of a Secretary of the Board of Education—appointed by the members of the State Board of Education. The office, although dignified by the law as a Secretaryship, was nothing more than a mere clerkship under the Board of Education. Numerous questions were constantly submitted for adjustment; and the result was that either daily sessions of the Board were necessary, or the Secretary of the Board must be allowed discretion, governed, of course, by general rules or principles laid down. The discretion gradually extended, owing to inconvenience of securing matured deliberations from the Board of Education, engrossed as its members were in the grave duties of their offices, until the administration of school affairs, in a measure merged under the control of the Secretary of the Board.

Mr. Hollingsworth was appointed Secretary of the Board of

Education in 1876 and continued in office until January, 1883. He labored with untiring zeal from the dark days of 1874, when the cause of Public Free Schools found but few friends, until the close of his connection with the School Department—nine years—to restore, or build up popular sentiment in favor of Public Free Schools, on a firm basis. The friends of popular free education have not forgotten the times when the School Department was sneered at as a relic of what was termed “Radical Rule.” Even its postage appropriation was allowed on the most urgent lobbying by the Chief of the Department. Politicians whined out the then popular cry of “*What right has the State to tax one man to educate another man’s children?*”

The arguments on this popular dilemma were the common talk of the politicians. Without tracing the change of sentiment, or endeavoring to explain as to whether the change arose from conviction of the politicians, or from the discovery of the popular sentiment that was in favor of Public Free Schools, the dilemma was dropped. One by one, or in groups, the politicians changed tactics. Some of the loudest opponents to public schools for a time were silenced; and when they ventilated their opinions again they were strongly flavored with the most liberal free school doctrines. The records of the times give some notable examples of changes of sentiment, that serve to show either the inconsistency of the modern politician’s doctrines from year to year, when public opinion is to be faced, or they show the struggle of a good cause that carries conviction to the candid examiner who is in search for truth. One fact is certain, the expressed sentiment in 1874 and the sentiment in 1886 in regard to Public Free Schools are as differently flavored as though a new race had sprung up on Texas soil—educated under a different system and indoctrinated with different ideas—teaching a new philosophy of government.¹

¹*Supt. Baker’s Administration, in Texas Review, Vol. 1, July, 1886, 703-706.*

CHAPTER VII

FINAL TRIUMPH OF THE STATE SCHOOL SYSTEM, 1883-1890

Some of the most significant steps of progress found in this period of our educational history. In 1833, by popular vote the Constitution was amended by permitting the adoption of the district system. This amendment carried with it the right of local taxation in common school districts, a privilege enjoyed in the cities and towns for some years. The amendment marks the end of the long struggle against local taxation for educational purposes, and at the same time signifies the triumph of the new political philosophy of the organic character of the state. The new school law of 1884 created the office of State Superintendent. Three years later the County Superintendency was made optional in the populous counties. Thus began the movement for professional supervision. From 1884 the development of Texas Education has been a steady growth without any of those cataclysmical disturbances which had formerly annihilated the various attempts to establish a state school system. Districts now began to put up permanent buildings; private schools gracefully yielded to the new system; teachers were more enthusiastic in their professional organizations, seeking new methods and ideas; the graded system was everywhere adopted in the towns and cities; and the High School was made a permanent feature of the various city and town systems. The literature on this period is extensive and readily obtainable. Only a few sources are, therefore, given here.

INAUGURAL ADDRESS

DELIVERED IN JOINT SESSION OF THE EIGHTEENTH LEGISLATURE,
JANUARY 16, 1883.

Gentlemen of the Senate and House of Representatives, and Ladies and Gentlemen:

.....

Prominent among the subjects that will challenge the attention of this administration are:

The preservation of our common school fund, including the lands set apart for that purpose, and the improvement of our school system.

.....

It seems to be admitted by all that the Constitution should be so amended as to permit the Legislature to levy and collect a school tax, without reference to the amount of the general revenue that may be necessary.

Another amendment to that instrument will be necessary with reference to the school fund.—

The permanent fund belonging to the common schools can only be invested in bonds of the Federal agency and of the State.

The United States are refunding at so low a rate that their bonds are not desirable for that purpose, and very soon we hope the State will have no bonded debt outstanding, and we must therefore seek some other mode of investing our permanent school fund.

Shall we guard, protect and increase this fund as a sacred trust, or shall we throw it away by paying forty per cent premium for an investment?

The University was early contemplated by those who have gone before. No one questions the usefulness or propriety of such an institution, and we suppose a retrograde movement, with reference to it, is not contemplated.¹

MESSAGES OF GOVERNOR IRELAND

John Ireland was Governor from 1883 to 1887.

EXECUTIVE OFFICE, AUSTIN, January 29, 1883.

To the Senate and House of Representatives:

GENTLEMEN:—I respectfully invite your attention to the subjects hereinafter referred to:

THE LANDS SET APART FOR EDUCATIONAL PURPOSES

In view of the difficulties in finding safe and desirable investments for the proceeds arising from the sale of these lands, I submit to your honorable bodies whether it will not be best to place them on the market at a long credit, say twenty years. The

¹*Inaugural Address of Governor John Ireland, delivered in Joint Session of Eighteenth Legislature, January 16, 1883, 4.*

whole subject is fraught with difficulties, but after mature deliberation, I am of opinion that a sale on long time is desirable. If the two houses shall concur in this opinion, I suggest that minimum prices be fixed, below which they should not be sold, and that books be opened for bids, which shall remain open, subject to the inspection of all, and at the expiration of six (6) months, or such time as may be fixed, the lands be awarded to the highest bidder. The law should also require a payment in advance equal to one (1) year's interest, and should be so framed in other respects as to create forfeitures on the parties' failure to pay into the treasury all interest and principal promptly when due. I deem it proper, also, to state that the law should so provide that the lands shall be sold in quantities so as to place them within the reach of all. If any person shall want more than any one quantity sold, he can purchase other tracts. Safeguards should also be made against allowing water fronts and privileges being taken up without a corresponding quantity of other lands. Should water fronts and privileges be absorbed, leaving the bulk of other lands unsold, they would realize very little.

It is believed that an interest can be derived from this mode of disposing of the lands equal to any that can be had from any other source, and all questions about a safe investment are thereby settled. I deem it unnecessary to enter into the details of a bill on this subject, still I may say I don't think the minimum price of these lands should be less than two dollars (\$2.00) per acre. With reference to the pine lands, or those not desirable for pastoral or agricultural purposes, I submit whether a sale of the timber alone is not the best disposition that can be made of them.

If these lands are offered in quantities that will place them in reach of all, and the fact of their being placed on the market published in such manner that all the world may know of it and be able to compete for it, will largely enhance the value and induce immigration.

.....

FREE SCHOOLS

Where experience has shown defects in our school system, it should be improved. It will be found that the system of school communities and local control is at least the most satisfactory. The responsibility of levying, collecting and disbursing should be left as much as possible with the people. The whole question is then immediately before them, and if the property of the country has the power to tax itself and manage the funds thus raised, it is apt to be honestly done, and to their own liking. This suggestion of course goes beyond the general fund that may be provided by the State.

It is understood that your honorable bodies have under consideration proposed amendments to the Constitution relating to this subject.

From the best data before us it is believed that the State can pay for four and three-fifths, possibly five, months schooling for each child in the State within scholastic age. I can see no reason why other localities than those now embraced by the law should not be allowed to levy and collect an additional tax for the purpose of aiding the State in its efforts at giving the people an education. If the right to levy this tax by localities is confined to property holders, there can be but little danger of its abuse.

The Constitution cannot be amended so as to allow a separate school tax to be collected so as to be available under three years.

I do not doubt but that every dollar of the available fund, including the one-fourth (1/4) of the general revenue, will be utilized by your honorable bodies for the education of the youth, and that the necessary constitutional amendments will be submitted to the people.

I am clearly of opinion that the State, with a little aid from communities, should be able to increase the scholastic months from three, to five, six, or more.

.....

THE AGRICULTURAL AND MECHANICAL COLLEGE

There has been from the very beginning a popular prejudice against this institution, but the foundation for a splendid institution of learning is there too deeply laid to allow us to falter, and I hope this institution, as well as the normal schools, will receive at your hands all the attention that is required to make them progressive. The college will require an appropriation.

I also submit that some change should be made in the institution with reference to the students that are admitted.

If the children and wards of persons amply able to give them a good education only are to be admitted or entered at the school, it is respectfully submitted whether it should not be made self-sustaining, or largely so.

.....

Very respectfully,

JNO. IRELAND.¹

EXECUTIVE OFFICE,

AUSTIN, TEXAS, January 8, 1884.

Gentlemen of the Senate and House of Representatives:

.....

FREE SCHOOLS

The amendment to the Constitution adopted by the people necessitates some changes in the present school law. The report of the Board of Education, and the report of Hon. B. M. Baker to the board, has been printed and will be presented for your consideration. In them you will find much valuable information and suggestions that will doubtless aid you in the solution of the important matter.

It will be seen that in many counties money apportioned for educational purposes has not been used, and I recommend that in such cases, that in future apportionments, such counties or districts be charged with these unappropriated funds, or that they be

¹House Journal, January 29, 1883, 87-89.

returned to the treasury. I recommend that the chief officer of the Educational Department, not including the Board of Education, be styled the Superintendent of Education; that he have such powers and perform such duties as may be prescribed by law or the Board of Education, and that his appointment or election be provided for.

Authority should be lodged somewhere to divide the counties into convenient districts, to be as near permanent as possible, thus enabling and encouraging the people to erect permanent and comfortable school buildings. School houses properly constructed and conveniently located is one of the most effective modes of encouraging and insuring regular schools.

It is especially desired that provision be made for a more rigid examination of applicants to teach, as to character, fitness and acquirements.

Should the counties be divided into districts, local trustees should be elected in each district and the general management and control of the school confided to this board. No more efficient way of promoting school interests can be suggested than to enlist the patrons in their management under a general system of laws.

Sometimes matters might not please all; but, at last, if each community succeeds in pleasing itself, others may well be content.

Whether or not the time has arrived to authorize districts to levy a tax, and, if so, to what extent, is submitted to your sound discretion.

As a means of forcing the teachers to make regular reports, so as to enable the counties to forward their reports to the Educational Department, the law should forbid payments to teachers until their reports shall have been made.

.....

INVESTMENT OF THE SCHOOL FUNDS

Inasmuch as the Legislature submitted an amendment to the Constitution, which was adopted in August last, providing that the Board of Education should invest the permanent school fund in United States, State or county bonds, "and in such other se-

curities and under such regulations as may be prescribed by law," I have deemed it proper to give the Legislature a chance to say whether or not other securities than those named should be purchased.

It is proper to observe that the Board of Education, since the adoption of the amendment, has invested \$1,355,748.92 of the school fund in county bonds. The bulk of the amount has been invested in 6 per cents at par.

I have no recommendation to make about "other securities," for investing the school fund. If permission is granted counties to fund their indebtedness, I have no doubt but that county bonds will absorb all the permanent school and asylum funds for years to come.

In the opinion of the Board of Education, there could not be two bodies, each with plenary power to invest the school funds in United States, State and county bonds, and as this, by the Constitution, is to be done under the direction of the Board of Education, it was believed that the Constitution was, to that extent, self-acting, and no legislation was necessary; hence the Board, in the interest of free schools and to save the people from taxation, proceeded at once to loan the permanent fund to counties, and it is now all invested in not less than 6 per cent. valid county bonds.

The United States and State bonds owned by the school fund might be transferred to the university fund at better rates than could be obtained from the market, and result in advantage to both funds; as the school fund could be easily reinvested in county bonds at a better interest than it is drawing at present, while the university fund can only be invested in State and Federal bonds, for which a high premium must be paid in the markets.¹

SCHOOL LANDS

The bill passed by the regular session of the Eighteenth Legislature has been found to be very unwieldly, and the board has had great difficulty in putting it into operation. It has been ascertained, from experience, that the system of local agents in

¹*Message of Governor John Ireland to the Eighteenth Legislature. Convened in Special Session at the City of Austin, January 8, 1884. 9-13.*

the counties was both expensive and unsatisfactory, and under the liberal provisions of the law, allowing the board to change the rules laid down in the law, many changes have been made.

The new rules require the bidders on sales and leases to describe, accurately, the lands they want; and they are also required to swear to the correctness of the description. In this way, the board not only saves the enormous expense to the school fund of classifying the lands actually sold, but also saves the unnecessary expense of classifying those that no one now wishes to purchase.

The board is not offering any watered sections for sale or lease, and in regions where water is very scarce it might be advisable to withdraw the waters and a small quantity of land from sale, permanently, and dedicate them to public use. In this way, vast areas of dry country could be utilized that could not be if the few living waters there should fall into private hands.

I also recommend the reservation of strips of land, at suitable intervals, for public highways, so that in future there can be neither trouble or expense attending the opening of roads.

I herewith transmit for your information and consideration, a communication from the Commissioner of the General Land Office, whose vast experience in such matters renders his suggestions valuable.

TAXATION

The amendments to the Constitution proposed by the Legislature, submitted to and adopted by the people, so changed the law that one-fourth of the general revenue will no longer go to the support of free schools, and until additional legislation is had, thirty cents on the one hundred dollars will be levied and collected for general purposes, and no part thereof will be set apart for the school fund. It will, therefore, be necessary to levy a specific tax for free schools. The amount to be levied is at your discretion, not to exceed the maximum named in the Constitution.

It is suggested that with the one-fourth of the occupation tax, interest on bonds and land notes, and funds from other sources, that a levy of ten cents on the one hundred dollars' worth of property will be sufficient to maintain the schools the requisite time.

The report of the Board of Education, together with the esti-

mates furnished by the Secretary, and the Comptroller's report, will greatly assist you in arriving at the rate of taxation absolutely necessary.

Of course thirty cents on the one hundred dollars worth of property, now levied for general revenue purposes, will not be necessary. With the increase of taxable values, the revenues will increase. Twenty-two and one-half cents has been sufficient in the past, and I suggest that eighteen cents on the hundred dollars will produce sufficient revenue, with that derived from other sources, to support the government. The ensuing year will demonstrate whether it is sufficient or not, and, as the Nineteenth Legislature will meet a year hence, the amount can then be increased or diminished as may be found necessary.

In arriving at the amount of tax necessary to be levied, it must be borne in mind that the large expenditures for the present year, comprising appropriations for the North Texas and Austin Lunatic Asylums, Deaf and Dumb Asylum, the Alamo, Agricultural and Mechanical College, and others, aggregating about a half million dollars, will not have to be repeated.¹

AMENDMENT TO THE CONSTITUTION

The amendment given below was the most important step taken in education for many years.

JOINT RESOLUTION

To amend Section 3 of Article 7, of the Constitution of the State of Texas.

SECTION 1. Be it resolved by the Legislature of the State of Texas: That Section 3, of Article 7, of the Constitution of the State of Texas be so amended as to hereafter read as follows:

“SECTION 3. One-fourth of the revenue derived from the
 “State occupation taxes, and a poll tax of one dollar on every
 “male inhabitant of this State between the ages of twenty-one
 “and sixty years, shall be set apart annually for the benefit of
 “the public free schools, and, in addition thereto, there shall
 “be levied and collected an annual ad valorem State tax of such

¹*Ibid.*, 15-17.

“an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without local notice required in other cases of special legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein; provided, that two-thirds of the qualified property taxpaying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.”

SEC. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the second Tuesday in August, A. D. 1883, at which time the foregoing amendment shall be submitted for adoption by the qualified electors of this State.

Approved April 7, 1883.¹

SCHOOL LAW OF 1884

At the Special Session of the Eighteenth Legislature, convened from January 8 to February 6, 1884, the School Law was amended and rewritten in its entirety. This revised code breathes a new spirit and purpose. On account of its length only the most salient sections are included here.

SECTION 1. (The statement of the Constitution as amended.)

SECTION 2. One-fourth of all occupation taxes and the one dollar poll tax levied and collected for the use of public free

¹*General Laws of the State of Texas passed at the Regular Session of the Eighteenth Legislature, 134; Gammel's Laws of Texas, Vol. 9, (440).*

schools, exclusive of the delinquencies and cost of collection, the interest arising from any bonds or funds belonging to the permanent school fund and all the interest derivable from the proceeds of sale of land heretofore set apart for the permanent school fund which have hitherto or may hereafter come into the State Treasury. All monies arising from the lease of school lands and such an amount of State tax, not to exceed 20 cents on the one hundred dollars valuation of property as may be from time to time levied by the Legislature shall constitute the available school fund, which fund shall be apportioned annually to the several counties of this State according to the scholastic population of each, for the support and maintenance of the public free schools.

SECTION 3. No part of the public school fund shall be appropriated to or used for the support of any sectarian school.

SECTION 4. All available public school funds of this State shall be appropriated in each county for the education alike of white and colored children, and each race shall receive its just pro rata according to scholastic census.

SECTION 5. All children, without regard to color, over eight years of age and under sixteen years of age, shall be entitled to the benefit of the public school fund.

SECTION 6. The scholastic year shall commence on the first day of September of each year and end on the thirty-first day of August thereafter.

SECTION 7. The children of the white and colored races shall be taught in separate schools, and in no case shall any school consisting partly of white and partly of colored children receive any aid from the public school fund.

SECTION 8. The terms "colored race" and "colored children," as used in the preceding sections and elsewhere in this act, include all persons of mixed blood, descended from negro ancestry, to the third generation, inclusive, although one ancestor of each generation may have been a white person.

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SECTION 10. Public schools shall be taught for five days in each week, schools to be closed on such holidays as may be agreed

on by the trustees. A school month shall consist of not less than twenty days, exclusive of given holidays, and the public schools shall be taught for not less than seven hours each day, including intermissions and recesses.

SECTION 11. The Governor, Secretary of State, and Comptroller shall constitute a State Board of Education who shall hold their sessions at the seat of Government. The Governor shall be ex officio president of the Board and a majority of the members shall constitute a quorum for the transaction of business.

SECTION 12. There shall be elected, at each general election for State and county officers, a State Superintendent of Public Instruction, who shall hold his office for a term of two years and until his successor is elected and qualified, and shall receive an annual salary of twenty-five hundred dollars, and may appoint one clerk at an annual salary of twelve hundred dollars, both payable out of the available school fund. The Superintendent shall take the oath of office prescribed by the Constitution and shall perform such duties as may be prescribed by law. Appeals shall always lie from the rulings of the State Superintendent to the State Board of Education. Any person elected State Superintendent of Public Instruction shall not during his term of office and for four years thereafter be eligible to election to any other State office.

SECTION 13. The Superintendent of Public Instruction shall be charged with the administration of the school law and a general superintendency of the business relating to the public schools of the State; he shall hear and determine all appeals from the rulings and decisions of subordinate school officers, and all such officers and teachers shall conform to his decision, unless they are reversed by the State Board of Education. He shall prescribe suitable forms for reports required of subordinate school officers and teachers, and blanks for their guidance in transacting their official business and conducting public schools, and shall from time to time prepare and transmit to them such instructions as he may deem necessary for the faithful and efficient execution of the school laws, and by whatsoever is so communicated to them, shall they be bound to govern themselves in the discharge of their official duties. He shall examine and approve all ac-

counts, of whatsoever kind, against the school fund, that are to be paid by the State Treasurer, and upon such approval the Comptroller shall be authorized to draw his warrant.

SECTION 14. The State Superintendent shall file all reports, documents and papers transmitted to him and the State Board of Education, by county or city school officers and from all other sources pertaining to public schools, and keep a complete index of the same.

SECTION 15. The State Superintendent shall advise and counsel with the school officers of the counties, cities, towns, school districts and communities as to the best methods of conducting the public schools and shall be empowered to issue instructions and regulations binding for observance on all officers and teachers in all cases wherein the provision of the school law may require interpretation in order to carry out the designs expressed therein. Also in cases that may arise in which the law has made no provision, and where necessity requires some rule, in order that there may be no hardships to individuals and no delays or inconvenience in the management of school affairs.

.....

SECTION 17. The State Superintendent shall require of county, city and town superintendents and other school officers and teachers such reports relating to the school fund and other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish to county, city and town superintendents for the use of such officers and teachers the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them.

SECTION 18. The State Superintendent shall, one month before the meeting of each regular session of the Legislature, and ten days prior to any special session thereof, at which, under the Governor's proclamation convening the same, any legislation may be had respecting the public schools, make a full report to the Board of Education, of the condition of the public schools throughout the State. Such reports shall give all the information called for by the Board of Education, and shall contain

such other matters as the State Superintendent may deem important.

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SECTION 21. The State Superintendent shall be ex officio secretary of the State Board of Education, and shall keep a complete record of all its proceedings, which shall be signed by the president of the Board and attested by the Superintendent.

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SECTION 29. It shall be the duty of the County Commissioners' Court of all counties not exempted from this section to subdivide their respective counties into convenient school districts, at least one month before the first Monday in October, 1884. Said courts shall designate said school districts by numbers; provided, that when districts are once established, they shall not be changed without the consent of a majority of the legal voters in all districts affected by such change.

SECTION 30. Said school districts shall be so made as to be as convenient as possible to the scholastic population, and said courts shall give the metes and bounds of each district, and shall designate the same carefully by giving the whole surveys and parts of surveys, with acreage of whole surveys and the approximate acreage of parts of surveys in each district, and the county judge shall carefully record the same, and each district shall be given a number, which number shall be painted in large letters or figures over the doors of the school houses, said signs to be provided by the district trustees of each district.

SECTION 31. That whenever twenty or more qualified property holding tax paying voters of any district, wish for the purpose of taxing themselves, for the building of school houses, or supplementing the State school fund apportioned to said district, shall make application to the county commissioners' court, duly signed by them, said court shall enter up an order for an election to be held in said district to determine whether such tax shall be levied or not, said application shall designate the amount of tax asked to be levied, and the order of said court shall state—

1st, When said election shall be held; 2nd, At what point or points the polls shall be opened; 3rd, The amount of tax to be voted on; provided that no election shall be held to determine the levy of a tax exceeding twenty cents on the one hundred dollars valuation of property. The commissioners' court shall order the sheriff to give notice of such election by posting three notices in the district for three weeks before election, and the sheriff shall obey such order. Not more than one such election shall be held in the same scholastic year.

.....

SECTION 33. All persons who are legal qualified voters of the State and county of his residence, and who are resident property tax payers in said district, as shown by the last assessment roll of the county, shall be entitled to vote in any school district election, and if at any such election two-thirds of such qualified voters, voting at such election, shall vote for the tax, it shall be declared by the County Commissioners' Court to have carried in said district and be so entered upon the records of said court to have been carried, and in all cases the returning officer shall make a full and complete return as in other elections to said court within five days after said election is held, and said return shall be opened and counted at the first meeting of said court and the result declared.

.....

SECTION 36. All trustees for school districts shall be elected by the qualified voters at a school district meeting for that purpose, on the first Saturday of August of each year, except as hereinafter provided. The Commissioners' Court shall appoint three persons to hold such election, and shall make the returns of said election within five days after election to the county Judge, and if no election is held the county Judge shall at once appoint three trustees for said districts for the ensuing year. All persons living in the district, qualified to vote for State and county officers, shall be entitled to vote at said election. No person shall be eligible to serve as a school trustee who cannot read and write.

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SECTION 55. All the public schools in this State shall be required to have taught in them orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and composition and other branches as may be agreed on by the trustees or directed by the State Superintendent.

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SECTION 61. When a school district or community has no school house or not a sufficient number, the available public free school fund for any one year to the credit of said district or community with the county treasurer, may be used for the purpose of erecting a house, upon the following conditions, to-wit: 1st, A suitable piece of land shall be donated as a site, and a deed therefor executed and delivered to the county judge, conveying said land to the county judge and his successors in office in trust for public free school purposes, which deed must be recorded as other deeds. 2nd. The citizens of the district or community, must contribute of their labor and means, an amount at least equal to the school fund so used.

.....

SECTION 71. The following named counties shall be exempted from the district system provided for in this act, to-wit: Matagorda, Harrison, Fannin, Montgomery, Rusk, Lamar, Red River, Anderson, Shelby, San Augustine, Sabine, Hidalgo, Starr, Zapata, Webb, Duval, Kaufman, Hopkins, Camp, Upshur, Grimes, Smith, Gregg, Limestone, Freestone, Washington, Nacogdoches, Angelina, Bastrop, Hunt, Jasper, Newton, Tyler, Polk, San Jacinto, Franklin, Titus, Marion, Panola, Lee, LaSalle, Van Zandt, Robertson, Jefferson, Hardin, Liberty, Chambers, Orange, Waller, Houston and Cass, Brazos, and Burleson.

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SECTION 87 The Governor shall immediately appoint a Superintendent of Public Instruction who shall hold said office and discharge its duties until the Superintendent of Public Instruc-

tion elected at the next general election for State and county officers shall qualify.

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Note.—The foregoing act was presented to the Governor of Texas for his approval on the 6th day of February, 1884, and was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

J. W. BAINES,
Secretary of State.¹

DEMOCRATIC STATE CONVENTION, 1884.

HOUSTON, August 19-21.

PLATFORM.

.....

4. We believe that an efficient system of common free schools, both for the white and colored races, is essential to the preservation of the liberties of the people, and that our public institutions of learning should be fostered by judicious legislative enactments; and to this end we favor the raising of revenue for these purposes by such a disposition of the lands set apart for these objects under such limitations as may best subserve these ends, so that taxation for such purposes may be reduced to the lowest possible limit.

5. We declare that the free school and asylum lands are segregated from the public domain, and are, by law, a sacred trust in the custody of the legislature, to be held and managed for the best interests of the respective funds to which they have been dedicated, and we hold it to be the highest duty of the repre-

¹*General Laws of the State of Texas, passed at the Special Session of the Eighteenth Legislature, convened at the City of Austin January 8 and adjourned February 6, 1884, 40-57; Gammel's Laws of Texas, Vol. 9, (570-589.)*

sentatives of the people to see to it that that trust may not be sacrificed to the greed of any class.

6. We believe that the school and general interests of our State will be best subserved by the leasing of such lands until such time as they may be purchased by actual settlers, at a reasonable price fixed by law, without competition and in such a manner as not to retard the development and prosperity of the frontier.¹

GREENBACK STATE CONVENTION, 1884.

WACO, August 26.

The attendance at this convention was limited to the counties of Central Texas.

PLATFORM.

We deem it scarcely necessary to declare that the observance of the great principles we advocate with regard to tax, equal distribution of all the sovereign properties of the people, condemns the policy of leasing the public or school lands of Texas in larger bodies than six hundred and forty acres for long periods of time, thus constituting a temporary monopoly only in reach of wealthy men, contrary to public policy and the true principles of republicanism. And we favor the policy of selling the school lands in small bodies not exceeding one hundred and sixty acres, on a low rate of interest on long periods of time, say, twenty years, with one-tenth annually, at three per cent. interest, to actual occupants alone, and not transferable until the title is perfected; but we can discover no valid objection in principle or public policy, why the adjacent unoccupied lands should not be leased to such actual occupants in limited amounts for short periods of time, subject to actual settlement and so be utilized as an important adjunct to the public school fund.

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We also denounce the school law as creating the same condi-

¹Winkler, E. W. *Platforms of Political Parties in Texas*, 220-223.

tion of things. We also denounce the jury law for the same reason that it creates property classes.¹

“STRAIGHT-OUT” REPUBLICAN CONVENTION, 1884.

DALLAS, September 23 and 24.

PLATFORM.

This Republican State Conference, representing the Republicans who believe that the organization and the identity of our party should be preserved, do promulgate the following platform:

Resolved,

.....

[4] That we believe the educational bill now before Congress, commonly known as the Blair Bill, is constitutional in all of its provisions, and we believe it to be to the interest of the people of this State that the members of Congress from Texas should heartily support the same, and in this connection we condemn the action of Senators Coke and Maxey in voting against the bill while before the Senate.

.....

[7] That the idea that the State cannot sell or lease its public lands is absurd and ridiculous; that we believe that the school lands, or lands set apart for public education, should be so disposed of as to give the present generation the largest amount of benefit.

[8] That we favor the early completion of the University of Texas and its colored branch, and favor liberal appropriations by the State for the erection, maintenance, and equipment of these institutions.²

¹*Ibid.*, 223-229; *Waco Daily Examiner*, August 27, 1884.

²*Ibid.*, 232-234.

DEMOCRATIC STATE CONVENTION, 1886.
GALVESTON, August 10-13.

The Prohibitionists, Farmers' Alliance, and Knights of Labor possessed sufficient strength to make an impress on the acts of this convention. Many of the delegates went home not at all pleased.

PLATFORM.

.....?

4. We favor the best system of education for white and colored children in separate common schools which may be provided by liberal, without excessive, taxation. We believe that the education of the children is a matter of State right and duty, and that the Congress of the United States has no right to appropriate money to its aid. We congratulate the people of Texas upon the successful establishment of our State University, and we recommend the enactment of legislation to remove the same, as far as possible, from all political influences, and that its properties and revenue shall be strictly guarded, increased, and fostered so far as it can be done without taxation upon the people.

5. We believe that the true policy of the State, with respect to her public lands, is to provide for their sale, in tracts of reasonable size with reference to their quality and uses, at fair prices and upon long credit, to *bona fide* settlers for homestead purposes. We favor such a classification of the school, university, and asylum lands as may permit the unconditional leasing, for short terms, of lands only fit for grazing; and that the remainder may be leased temporarily and entirely subjected to the right of the State to sell to actual and *bona fide* settlers. And to these ends we favor the enactment of laws to compel the removal of trespassers and free grazers from the public lands, and to force the payment of rent for their use; and to fix absolutely the rental price of the lands to be leased. There should be such legislation as will make it practicable to enforce all laws intended to prevent the illegal use of the school or other public lands of the State.

9. We believe that stockholders in private corporations should

be held liable to pay the debts of the corporation to the amount due on their stock, and an additional amount equal to the stock owned by them, and that the legislature shall regulate and fix the terms upon which private corporations may do business in this State. And that laws shall be passed prohibiting corporations not chartered by the laws of this State from buying or leasing the public lands of this State or any of the school, university, or asylum lands.

.....

11. We declare that all State convicts should be confined within the walls of the penitentiary, and it is the duty of the Legislature to provide penitentiaries sufficient for this purpose. We are also in favor of a reform school, or house of correction, for minors and females convicted of offenses, to the end that they may be separated from the adult convicts of the State.

MINORITY REPORTS.

The undersigned, constituting a minority of your Committee on Platform and Resolutions, beg leave to report that we do not concur with the majority of the committee in its platform as reported. We, however, agree to all the platform reported by the majority of the committee except section 5, and ask that it be stricken out and the following adopted in lieu thereof:

We regard the settlement and development of the State by intelligent and law-abiding citizens as paramount to all other questions of State policy, and pledge that wholesome and effective laws looking to that end shall be enacted as speedily as possible, that simple, comprehensive, and efficient laws should be enacted whereby the lands set apart for the benefit of the common school and other trust funds shall be disposed of in limited quantities to *bona fide* settlers only, and in such manner as not to injure said trust funds.¹

¹*Ibid.*, 237-242.

REPUBLICAN STATE CONVENTION, 1886.

WACO, August 25 and 26.

The colored delegates controlled the convention.

PLATFORM

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[5] The Republican party, having been in favor of the education of the masses to the fullest extent within the means of the government and ability of the people, favors the largest appropriation practicable by the State for that purpose, and we do further endorse and approve of that educational measure known as the Blair Bill passed by the United States Senate. We are also in favor of county superintendents of public schools.¹

PROHIBITION STATE CONVENTION, 1886.

DALLAS, September 7 and 8.

PLATFORM

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9. We denounce the action of the Democratic party in giving away and nominally selling the public lands at fifty cents an acre to capitalists and cattle syndicates, just at the time when they were becoming valuable, thereby permitting them to fence up whole counties and prevent the settlement and civilization of the west. We demand the forfeiture of all lands granted to individuals and corporations where the title has not absolutely vested, and that these lands, together with the public domain yet remaining, be reserved for homesteads for our citizens, and sold only to actual settlers on long time with interest for the benefit of the school fund.

10. We believe that the most direct way out of our present land complications is the unconditional repeal of our present lease system and the sale of public lands only to actual settlers

¹*Ibid.*, 242-244.

We declare that all the fences and other improvements illegally placed on public school lands are part of the realty, as if they had been placed on private property, and we demand that the State shall at once take control of these lands and the improvements thereon and prosecute all parties who may unlawfully interfere with or destroy the same, and we demand that the attorney-general shall at once proceed to recover such damages from the trespassers on these lands as have been sustained by the use and occupation thereof.

11. We favor an efficient system of free schools.¹

GRAND STATE FARMERS' ALLIANCE, 1886.

CLEBURNE, August 3-7.

Although not a political party, the numerical strength of the Farmers' Alliance in 1886 was sufficient to secure attention for its demands, and to incur the solicitude of politicians.

DEMANDS AND RESOLUTIONS.

We, the delegates to the Grand State Farmers' Alliance of Texas in convention assembled at Cleburne, Johnson County, Texas, A. D. 1886, do hereby recommend and demand of our State and National governments, according as the same shall come under the jurisdiction of the one or the other, such legislation as shall secure to our people freedom from the onerous and shameful abuses that the industrial classes are now suffering at the hands of arrogant capitalists and powerful corporations. We demand:

1. The recognition by incorporation of trade unions, co-operative stores, and such other associations as may be organized by the industrial classes to improve their financial condition, or to promote their general welfare.

2. That all public school lands be held in small bodies, not exceeding three hundred and twenty acres to each purchaser, for actual settlement, on easy terms of payment.²

¹*Ibid.*, 244-246; *Dallas News*, September 8 and 9, 1886.

²*Ibid.*, 234-237; *Galveston Daily News*, August 4 and 8, 1886.

PROHIBITION STATE CONVENTION, 1888.

WACO, April 25.

PLATFORM.

.....

3. That such public lands as remain to the State of Texas be reserved as homesteads for citizens, and the school lands be sold only to actual settlers, in quantities not exceeding three hundred and twenty acres.

.....

5. That a more efficient system of public free schools be established and maintained in Texas.¹

REPORT IN ENCYCLOPAEDIA BRITANNICA

TEXAS

.....

The founders of the State made liberal provision, by grants of land and revenue, for public education, but their intentions have not been carried out by subsequent legislation. Texas occupies the anomalous position of having the best school fund and the poorest school system in the United States. The public free school system proper consists of two normal schools for the preparation of teachers and numerous district schools, open for four months in the year. In most of the cities the state fund is supplemented by local taxation, and excellent schools are maintained. In 1886 there were 489,795 children within school age, and the cost of the maintenance of the whole system was \$2,362,-226. There are no schools for secondary education, except the high schools of a few cities. The State University is at Austin; it is abundantly endowed with lands, but does not receive the full benefit of its revenues. There is also a State agricultural

¹*Ibid.*, 254-256.

and mechanical College, but technical training is made secondary.

R. (OBERT) T. H. (ILL)¹

REPORT OF THE NEW STATE SUPERINTENDENT

BENJAMIN M. BAKER

Mr. Baker served as State Superintendent from 1883 to 1887.

Notwithstanding many serious difficulties have attended the administration of the public schools during the two scholastic years just ended, I am gratified to be able to report that the cause of popular education has steadily advanced, the schools have become more efficient, and the general public is better satisfied with the results attained. It is gratifying to know that opposition to free schools has almost been silenced, and that the demand of our people is—the most perfect system consonant with our conditions and resources. The original advocates of public schools have won many to their ranks, and the few who are still classed among the objectors have accepted the situation and now only desire that the public fund be used to the best possible advantage. It is believed that progress has been much retarded by the events in educational affairs which transpired when our people were poor and our most intelligent citizens disfranchised. Before the close of the war between the States Texas had made no effort to provide more than free tuition for indigent children; and notwithstanding large quantities of the public domain had long before been reserved for public schools, no steps had been taken to utilize them for that purpose. The whole educational question had been left to private enterprise. When the war had closed, and before the people had begun to recover from its dreadful ravages, a school system was launched upon them, which, to say the least, was better fitted for an older and a richer State. Copied from older, richer, and more thickly populated States, that system for a country prepared for its reception, was comparatively without fault. But the immense sums of money necessary to support it were extorted from a

¹*Encyclopaedia Britannica*, 9th Edition, Art.: Texas.

poor and unwilling people. The schools, though open to all, soon became exceedingly unpopular with a large majority of the people, both because of the unnecessary expenses incident to them and the manner in which they were conducted. It is not a matter of surprise that the system was overthrown, but it is to be regretted that its healthy features were not preserved and engrafted into the new one which took its place. But popular prejudice repeating its history drifted madly to the other extreme and inaugurated a system weak in many respects and illy-fitted to the demands of the times and people. The bitter prejudices born of the old law created among the people a strong distaste to taxation for educational purposes and indeed to free schools, and we may congratulate ourselves that the subject was not abandoned altogether. For years no interest in educational affairs could be aroused, our people being strongly disposed to look to private enterprises alone for the education of their children, leaving the necessitous poor the only patrons of the public schools. Matters became brighter in 1876, and from that time the public schools have grown in favor. The law of 1884 was a vast improvement on that of 1876, and I am convinced that the people are ripe for the other changes demonstrated to be necessary, and that the time has arrived for making them. In this report I propose to suggest what I conceive to be the necessary amendments to the present law, and in the suggestions I make I believe I am in accord with the views of the best educators of the State.

Among the improvements made in our system I may mention as the one of greatest importance "the district system" which has been provided for a large number of the counties. The advantages of this system over the community system is apparent. Under the community system a reorganization of each school takes place annually, giving rise to neighborhood disputes and disagreements. No local school taxes can be levied under it, and the people are consequently compelled to rely on the State fund alone for both the expenses of the schools and the building of school houses. Few school houses are erected from the fact that the schools have no fixed place of abode and are constantly changing habitations. The district system suffers

none of these disadvantages. Under it local taxes may be levied, and thus a fund raised for building purposes, for lengthening the school term and extending the scholastic age. The districts have defined limits: the place for the school is fixed. The people knowing that no change of locality can take place, are encouraged to erect comfortable school buildings and supply them with modern furniture and apparatus. A large portion of our State is so sparsely populated as to make the district system of doubtful feasibility, but it has been demonstrated to be superior for the counties well populated, many of which have not yet accepted it.

The State has the best reason to be proud of the progress of her teachers. I attribute their advancement in a large way to the fact that the recent changes of school law have encouraged them to become professional teachers. Some of the provisions of the law of 1874 bore so unjustly upon them that there were few who looked upon themselves as in the work for life. The provision of that law making the teacher's salary dependent upon the attendance of pupils was a relic of barbarism. Its repeal and the advance in maximum salaries allowed by the law of 1884 give promise of adequate remuneration to the teacher and encourages him to regard the profession as not wanting in dignity. The State normal schools and the summer normals, so generously provided, have also been powerful instruments in advancing the profession. It is probable now that no State can boast of a better qualified, more conscientious corps of public school teachers.¹

¹Baker, Benjamin M., *Fifth Biennial Report of the Superintendent of Public Instruction for the years ending August 31, 1885, and August 31, 1886*, 6-7.

MESSAGE OF GOVERNOR IRELAND

EXECUTIVE OFFICE,
AUSTIN, Texas, *January 13, 1885.*

FREE SCHOOLS

The recent amendments to the Constitution and laws, pertaining to free schools, have enabled the Board of Education to greatly improve them; and it is believed that at no time in the past have the friends of education had so much to encourage them. The present scholastic year will be about six months, and is believed to be ample, except in cities, towns and thickly settled districts, where additional months can be added if the people desire them.

Under the act passed at the last special session of the Legislature, Hon. B. M. Baker was appointed Superintendent of Public Instruction, and at the recent election he was chosen by the people to that position. I invite your careful attention to his report to the Board of Education, which is herewith submitted.

ESTIMATE OF AVAILABLE SCHOOL FUND

Tax on \$603,000,000 at 10c.	\$	603,000	
Poll tax		310,000	
One-fourth occupation tax.....		211,000	
Interest on county bonds.....		104,622	
Interest on State bonds.....		117,900	
Interest on railroad bonds.....		100,000	
Interest on land notes.....		450,000	
Land sales and leases.....		350,000	
Accumulated interest		70,000	
			\$2,316,522
Deduct probable losses, insolvent polls.....	\$	100,000	
Expenses of assessing, collecting and insol-			
vents	135,000	235,000	
			\$2,081,523

With this sum and the accumulations from leases and sale notes for land, it is clear that the school tax can be reduced to nine or ten cents.¹

LOCAL SUPERVISION

The Constitution of 1876 did away with all supervision, State, district and county. Through the assistance of the Peabody Fund some of the cities, availing themselves of the right to control their own schools, secured superintendents. The need of county supervision, other than that of the County Judges, became acutely felt early in the eighties. The views of State Superintendents on this problem are given here. The law making county superintendents permissive was passed in 1887.

SUPERINTENDENT BAKER'S VIEW

The demand for local supervision of the public schools is imperative. That local superintendents can be sustained without additional expense to the school fund is easily demonstrated, and that the efficiency of the schools would be increased tenfold with the aid of such officers is certain. As a rule county judges are incompetent to supervise the schools, because they have not been trained in the art of school management. With but few exceptions they have not the time to do so without neglecting other duties made incumbent on them. In nearly all cases the labor entailed on them by the school law is distasteful. They do not visit and lecture in the schools, nor do they hold county institutes. They are but machines for the disbursement of the school fund. The schools are therefore practically without local supervision.

If local superintendents were provided two important results might be confidently looked for—better teaching and a longer school term. Superintendents could devote all their time to the organization of schools, managing them, employing teachers and paying them, visiting the schools and lecturing, arousing favorable public sentiment, inducing the levy of local school taxes, aiding teachers in the discharge of their duties, and taking the scholastic census. I most earnestly recommend that county superin-

¹*Message of the Governor of Texas to the Nineteenth Legislature, January 13, 1885, 11-12.*

tendents be provided for in all except the small or sparsely populated counties. In this connection I venture to present several extracts from an able address of Hon. Z. T. Fulmore, County Judge of Travis County, delivered before the teachers' institute of that county on his retirement from office:

.....

“With the ostensible purpose of simplifying school matters and of economically administering our school fund, the Legislature made the county judge *ex officio* superintendent of county schools, the county treasurer *ex officio* the custodian of the funds of the various counties, the assessor of taxes *ex officio* the census taker, and to these was added a board of examiners, in each case the several officials being independent of each other and of any superior authority. Upon this loose, disjointed plan, according to the best information we have on the subject all have grown in scholastic population from about 238,000 in 1880 to 489,000 in 1886, and our school fund increased from \$750,000 to about \$2,350,000 during the same period, becoming complicated and confused in proportion as it has grown, until today we have no accurate means of determining whether our scholastic population is 350,000 or 500,000, or whether our actual resources are \$2,350,000 or \$3,250,000.

“By the exercise of great industry our State Superintendent has succeeded in placing sufficient data before us to throw some light upon our present condition.

“From these data we are able to form some idea of the disadvantages of an utter lack of system in our school organization.

.....

“Another great evil consists in the frauds that may be, and in some instances are practiced upon county judges and county treasurers. They have no means of knowing whether or not services have been performed for which money is claimed—their only protection is in the honesty of teachers and trustees.

“Another evil consists in the unreliability and in many in-

stances absurdity of the statistics furnished by county judges, when furnished at all. A few specimens culled at random will give a better idea. The official reports show that for the scholastic year ending August 31, 1855, Webb county had an average school term of 400 days, and that the tuition of the children of that county cost between \$20 and \$21 per month, while tuition in Hopkins county cost only 14 2-3 cents per month; that Red River, with a scholastic population of 4085, had an average daily attendance of only 43 and a total daily attendance of 199,583; while Runnels county had an average daily attendance of 152 and a total daily attendance of only 192.

“Grayson county, with a scholastic population of 6832, had an average daily attendance of only 56, although she had 102 schools; and Shelby, with a population of 2051, had an average daily attendance of 34.

“The total daily attendance is from 100 to 120 times greater than the average daily attendance, but in Liberty county last year they tallied with each other.

“The total daily attendance in Montgomery county was 1801, average daily attendance 1801, with 583 pupils studying natural philosophy; while Ellis county, with a scholastic population nearly twice as large, had only 12 students studying natural philosophy, Travis county only three, and Austin city 31.

“Now, if the Legislature of the State were to appropriate enough money for a six months' term at the same rate as the actual cost of the Webb county schools for 1884-5, it would take about \$13,000,000. On the other hand, if the appropriation was made on the Hopkins county basis, it would only require \$89,986.-61 to maintain the schools of the State for six months.

.....

“Nothing approximating a complete diagnosis of our school affairs can be had until the Legislature establishes a school system, and it seems to me that the first step towards the establishment of a system would be the creation of the office of county superintendent of schools, and the complete annihilation of county judges, treasurers, assessors, and boards of examiners as school officers, and a merger of their duties into the office of

county superintendent. In this officer the State would have a responsible agent, charged with the duty of keeping accurate accounts, of obtaining thoroughly reliable statistics, and administering the school affairs of the State honestly, intelligently, and in accordance with the best business methods.

“It would add but little to his duties to make of him a general statistician in his county, and such data as could be gathered by 180 county superintendents distributed among 8000 teachers, located in every neighborhood and scattered over a population of 2,500,000, would be of incalculable value to the Legislature in shaping the future policy of the State. The Superintendent of Public Instruction, instead of having to multiply circulars in sending to the county judge for one thing, the county treasurer for another, the assessor and trustees for another, and the board of examiners for another, would have a single source upon which to draw, and complete order and method could be brought out of present chaos.

“Instead of having several officers between the children and the school fund there would be but one, and to have 180 county superintendents, subject under severe penalties to rendering strict account of their stewardship to the State at least once a year, would be no more novel in our form of government or inconsistent with our notions of local self-government and individual freedom than the law which now and for years past has made between two and three hundred collectors and assessors of taxes under severe penalties subject to the Comptroller’s department.”¹

SUPERINTENDENT COOPER ON COUNTY SUPERVISION

Oscar H. Cooper has been one of the most distinguished figures in Texas education for over forty years. His influence and experience made him a leader in the establishment of the University of Texas. He has served the State in almost every capacity, and is still active as a thinker and teacher.

Effective supervision is an essential element in an efficient system of public free schools. It is a duty which the State owes to

¹Baker, Benjamin M. *Fifth Biennial Report of the Superintendent of Public Instruction for the Scholastic Years Ending August 31, 1885, and August 31, 1886, 10-12.*

itself and to the children. Good schools and good teachers are helped by supervision, and poor schools ought to have it, however much they oppose it. The only place where the real worth of a teacher can be found out is in the school room. The only way of finding out whether the teacher is earning his salary is to follow him to his actual field of work. School teaching is not easy work if it is done well, though it may be pleasant work. Skill in teaching does not come by nature; it presupposes knowledge, and it requires for its development study, experience, and comparison. The teacher who professes to know things in any other way is a charlatan. The aid of a competent superintendent is indispensable to the success of young and weak teachers, and it is helpful to the best. "The lookeron oft sees more than the players." The county judges are *ex officio* county superintendents in most counties. My relations with them during the past year have been cordial and pleasant, but I am compelled to say that the supervision of the county judges is of the most perfunctory character. In most counties it amounts to almost nothing. I asked last year, in forms for reports, for the number of visits made to the schools by each county judge, and found only three in the entire State who had visited all their schools, while four-fifths had not visited over five schools. It is impossible to supervise or inspect a school without at least seeing the school at work once. I am persuaded that the administration of the schools in each county should be separated from the county judiciary, not only for the good of the judiciary, but for the good of the schools. I ought to say that I have no fault to find with the county judges in this connection. I believe that they have generally tried to do their duty to the schools. They were loaded with the school work in past years because there was no one else in the county on whom it could be more readily imposed. In many counties the school work is now growing to be the more important part of the county judge's duties. It seems strange to those who have given their lives to educational work that the union of the county judiciary with the direction of the schools should be tolerated so long by the people and their representatives. The mental attitudes of the judge and of the teacher are antipodal. The judge, by his training, is looking to the present and the past; the teacher or superintendent

must look to the future for which the children—his trust—are to be prepared. The judge is naturally conservative; the superintendent must be progressive. The supervision, if really helpful, must be exercised by men who understand the details of school management. The judges, both by training and occupation, are almost precluded from obtaining such knowledge, except in the most superficial form. The superintendent's work should be vitalizing, inspiring enthusiasm for improvement, and can not be properly done by men who regard it as a secondary consideration. The direction and support of the schools have been treated too much as matters of secondary importance. The school interests are not less but more important than any other single department of legislation. In this important object all good citizens are equally concerned, and all should unite in one common work for one common purpose, that education may be regulated by general consent and not abandoned to the blind decision of chance or idle caprice.

The county supervision of schools should be separated, not only from the county judiciary, but if possible from the county politics. This could be done by providing for the election every alternate year of the county superintendent on the day fixed for electing trustees, i. e., the first Saturday in June. The objection alleged that the salaries of the county superintendents would be too great a burden on the school funds of small counties, or else so small as not to procure the services of competent men, is not a valid one. The salaries of county superintendents should be paid directly from the State treasury, and not out of the amount apportioned for tuition; and where the salaries would be small the work required would be small, and could be easily and ably attended to by a town superintendent, or principal, or leading teacher in the county. If teachers in other States are the best men to superintend schools, why should they not be in Texas? Are the teachers in Texas inferior in skill and ability to those of other States? My observation leads me to believe that no new State in the Union has a relatively larger number of practical and able teachers than Texas.

I am aware that the management of the schools is sometimes a powerful agency in county politics, but it seems to me that

this is a perversion of the ends for which the school system exists. Proper education of the children is the object of the schools. If the election of the county superintendent be separated from the election of other county and State officers, we shall be able to make it an exclusively scholastic position, an end which all will agree to be desirable.

.....

The work of the County Superintendent is essentially different from that of the county judge. As has been said elsewhere, county superintendency is essential to efficiency. The necessity for local supervision is so generally recognized by city school authorities that every city in the State has its superintendent. Thorough and efficient supervision has been the chief agency in bringing the city systems to their present standard. But the necessity for the supervision of the rural schools has not yet been generally recognized. If cities, with the advantages of well graded schools, of a long term, and of well trained and experienced teachers, need supervision and are so much benefitted by it, surely ungraded country schools, with their shorter terms, frequent changes of teachers, and teachers of less thorough training, can not be expected to do efficient work without it. The arguments in favor of the supervision of ungraded schools in the country are unanswerable. No prudent man would employ a number of workmen on his farm or in his shop without devising some means by which their work could be efficiently supervised. In every business of life, as in every department of government, there must be systematic organization of labor, with intelligent supervision. It is impossible to organize our schools on sound business principles without such supervision. Thorough supervision requires frequent visitation. We have shown elsewhere that county judges do not, as a rule, visit the schools; nor is it possible for them to do so in most counties without neglect of their constitutional duties. A system of county superintendency seems, therefore, to be imperatively needed. It may be best, in some cases, to unite two or more counties, having small scholastic populations, under one

county superintendent, and this option might be left to the commissioners courts of these counties.¹

LAW AUTHORIZING COUNTY SUPERINTENDENTS

43a. The office of county superintendent of public instruction is hereby created, and the county commissioners court of any county in this State may, when in their judgment it may be advisable, provide for the election at each general election of some person of educational attainments, good moral character, and executive ability, a qualified voter of said county, and the holder of a first grade teacher's certificate, who shall hold his office for the term of two years, and until his successor is elected and qualified; and said commissioners court, when they so provide for the election of a county superintendent, shall appoint a county superintendent of public instruction, with the qualifications above provided, who shall perform the duties of such office until a county superintendent shall have been elected, as hereinbefore provided, and shall have qualified. Such county superintendent of public instruction shall perform all the duties in regard to the public free schools of his county imposed by law upon the county judges of such counties as have no county superintendents of public instruction, and shall have and may exercise all powers and authority vested by law in such county judges in respect to matters appertaining to the public free schools; and in addition thereto he shall take the scholastic census of his county, which census shall be taken by districts in those counties wherein the district system prevails, and under the rules and regulations of Section 40 of this act. Such county superintendent, before entering upon the discharge of his duties, shall take the oath of office prescribed by law for school officers, and shall enter into bond in the sum of five thousand dollars, with good and sufficient security, to be approved by the county commissioners court, and to be filed with the county clerk of his county; and said bond shall be made payable to the county commissioners court and their successors

¹Cooper, Oscar H. *Special Report of the Superintendent of Public Instruction for the Scholastic Year Ending August 31, 1887*, 26-28.

in office in trust for the permanent school fund of the county, and be conditioned for the faithful performance of the duties of his office. Said county superintendent shall receive the same compensation for his services, to be paid in the same way, as is allowed by law to the county judges for similar services, and also the compensation allowed by law for taking the scholastic census, and such other compensation as may be allowed by the commissioners court of his county, to be paid from the school fund: Provided, the said compensation shall never exceed in the aggregate one thousand dollars per annum. He shall have authority to administer all oaths necessary for the proper discharge of all the duties required of him. Said county superintendent shall keep his office in the county seat, and to him shall be made all applications and reports authorized and required by law to be made to county judges in respect to public free school matters in those counties having no county superintendents of public instruction.

SEC. 3. Whereas, the near approach of the close of the present session of the Legislature renders it doubtful whether this act can be passed if allowed to take the regular course in both houses; and whereas it is a matter of great importance that many grave defects in the present school law sought to be remedied hereby should be corrected; and whereas, in order that certain provisions of this act should be complied with according to terms, it is necessary that it should take effect and be in force from and after its passage; therefore an imperative public necessity and emergency exist requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act so take effect and be in force from and after its passage, and it is so enacted.¹

THE COMMUNITY SYSTEM

This system was indigenous to Texas. It was practically the same system in vogue from 1854 to 1861, except that no local fees or taxes were used to supplement the State bounty. A number of counties continued to cling to this method of organization, although it was strongly condemned by every State Superintendent and educational leader. It

¹Gammel's *Laws of Texas*, Vol. 9, (924).

was finally done away with in 1908 in the 13 counties in which it still survived.

SUPERINTENDENT COOPER'S VIEW

I have elsewhere adverted to the obstruction which this system interposes in the way of local taxation. If this be not the vital principle of this system I am utterly unable to understand the reasons for its continued existence. The separation of the children of the two races does not require the system, for many of the counties already districted, such as Harris, Brazos, and Harrison, have large colored populations. No friction from this cause has been reported in any of these counties. It is not required by sparseness of population, for nearly all of the sparsely settled western counties, including even unorganized counties, are working well under the district system. A good district system is superior in every way to the community system. Its superiority is clearly shown by the following comparative statistics:

1887-8	District	Community
Average school term.....	5.26	4.93
Average teachers' salaries—annual.....	\$223.41	\$192.56
“ “ “ —monthly	\$ 42.47	\$ 39.03
Percentage of enrollment on scholastic population	82	74

No friend of public schools can study and understand the meaning of these facts without deploring the continuance of the community system. It is demonstrated by them that the average school term, the average salaries of teachers, the percentage of enrollment and the percentage of daily attendance, are all lower in community counties than in district counties. The causes of these differences need not be here analyzed, for the facts speak more strongly than any amount of reasoning. The perpetuation of the community system is an unmixed evil, and for it no apology can be made which is not hostility to the public school system.¹

¹Cooper, Oscar H. *Sixth Biennial Report of the Superintendent of Public Instruction for the Scholastic Years Ending August 31, 1887, and July 1, 1888*, 27.

SOME DEFECTS IN THE SCHOOL SYSTEM

SCHOOL HOUSES

An examination of the statistical tables will disclose the startling fact that while we had 8826 country schools reported as maintained during the year of 1887-8, we had only 3286 school houses, and that of this number only 1851 were reported as in good condition. No stronger evidence of the necessity for making better provisions for building and equipping school houses could be adduced. Five thousand five hundred and forty schools are not provided with any kind of a school house. They are temporarily housed in neighborhood churches, vacant barns or out-houses, and such other buildings as can be obtained for a nominal rental. *In many counties the value of the common jail exceeds that of all the school property in the county!* It is not possible to maintain a school successfully without a suitable school house properly equipped; and it is absurd to suppose that our school system can be generally efficient without adequate provisions for building school houses. Under our present law the price of a school house to a community is the suspension of the public school for a year. It is not strange that many people prefer to adopt any possible makeshift for a house rather than lose the opportunity of sending their children to school. Yet a good school house, properly located, adds essentially to the value of all the property of the community. But people who are taxed to support the schools are often loath to donate to the state a school house for the use even of their own children. The result is constant embarrassment to the trustees and to the school. Besides, it is safe to say that the majority of the school houses reported "good," have been constructed with little reference to all the essentials of good school property, sanitation, ventilation, light, proper equipment, and ornamentation. The average value of the country school houses, with site and furniture, is only *three hundred dollars*, and more than five thousand schools have no houses at all. In the cities we find a state of affairs much more satisfactory. Here most of the schools are comfortably housed, and the houses are generally adequately equipped. The average value of the school houses in the cities,

with grounds and furniture, is over eight thousand dollars. Of course, school property in the cities will always exceed in average that of the country, but the disparity now existing in Texas is unnecessary and absurd. It is largely due to the fact that our laws authorize the municipal authorities of cities and towns to issue bonds to build school houses, while they do not authorize county authorities to pursue a similar course. It is obvious that more adequate provisions for building school houses should be made for the counties, and in the same way in which provisions have been made for the cities and towns in the state. School houses are public buildings, and under our present constitution the county authorities might be authorized by law to issue bonds to build school houses, as well as to build court houses and jails. Our present policy of making the erection of a school house dependent largely on private subscriptions does not accord with the principles on which public education depends, nor does it give us good school houses. The plan proposed would give us school houses which would be of permanent value, and the cost of erection and equipment would be distributed among those who in after years will enjoy their use. Moreover, it will provide safe investment for many years for the permanent school fund; and the interest paid on this fund thus borrowed would be returned directly to the people as available school fund. Apart from the consideration of the glaring need of more and better school houses for the schools, it may be added that no possible investment of the school fund would add so much to the value of property in the state, or tend so strongly to attract to the state the most desirable class of immigrants, and multiply the number of comfortable and intelligent homes. Good school houses, properly equipped, will give vigor, stability, and high efficiency to our school system.¹

¹*Ibid.*, 22-23.

OTHER DEFECTS

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I may, however, indicate here briefly what seem to me to be grave defects in the organic law:

I. The absence of definite provision for local taxation. The ratio of local taxes levied in the United States to the state's apportionment is about four to one. In Texas, it is one to nine. The average per capita in Texas, including county and district funds, is about \$5; in the United States, it is \$9.15, while in Texas the scholastic age covers only *eight* years; in no other state is it less than *ten* years, and, in most, it is *twelve* years.

II. The absence of any limitation or condition on which the apportionment may be wholly or partially withheld, such as failure to maintain schools, or failure to maintain schools a certain length of time.

III. The absence of definite provisions for the protection of the funds apportioned.

IV. The composition and duty of the Board of Education.

Much, however, may be done to improve the school system under our present constitution.

CRITICISMS

The conviction is well nigh universal that the state has not yet gone far enough in the development of the public school system, that the school term is too short, that much of the work done in the schools is not of the right quality, and that the disbursement of the school fund is not guarded with sufficient care. Such criticisms are not limited to the school system of Texas, it is true, yet as they come mainly from the friends of the school they deserve careful attention.

If the faults alleged are real, they should be removed if possible.

The public school system of Texas receives a larger income from its endowment funds than that of any other state, and should not be inferior to the system of any state less favorably

conditioned. The thoroughness and efficiency of the school system are the best possible measure of the sensitiveness of the public conscience, for the education of the children is a duty which the present owes to the future.

The stake of the parent in the correct education of his children is deep, but that of the state is deeper. The parent *may* be dependent on his children, but the state *must* be. The parent educates his children from motives of pride and benevolence; the state educates by the first law of its existence, that of self-preservation. Patriotism and philanthropy unite in fostering universal education, and utilize for this purpose the strong right hand of the law.¹

THE ORGANIZATION OF THE HIGH SCHOOLS

The organization of high schools was the final link in the evolution of the State Free School system. Seven high schools were put into operation before the opening of the University in 1883. The University and the high schools have been vitally connected in their developments. Up to 1890 there was a widespread opposition to the organization and support of the high schools, and a heated controversy took place. The various views are presented.

VIEWS OF STATE SUPERINTENDENT BAKER

SECONDARY EDUCATION

I believe that in this day the character of its public schools will determine how far a State has advanced in civilization. An intense desire for the ultimate success of the public schools of Texas makes me bold to call attention to a much mooted and very important subject. It has not yet been carefully considered by any Legislature so far as I know, but there is no reason for longer delay. The object of providing free tuition for the child is to fit him for intelligent citizenship; to enable him to participate in the privileges of a citizen and discharge the duties incumbent upon him as a member of society. It is rather a duty the government owes itself than to the child. This added to the fact that without free schools a great number of the people would be reared in ignorance of the privileges and duties of

¹*Ibid.*, 15-16.

citizenship I conceive to be the only argument in support of a free school system. Just how far the state should go in thus preparing a child is a question of much moment. Shall the line be drawn at what is commonly termed secondary education, or shall the high school, having in its curriculum the higher mathematics, the sciences, and Latin and Greek, be supported? Is the high school necessary to mould the character of citizenship mentioned? I believe not. A thorough knowledge of orthography, penmanship, reading, English grammar, geography, arithmetic, and English composition, I believe amply sufficient for the purpose indicated. A knowledge of the branches taught in the high school may better prepare one for advanced thought and exalted position, but they are not necessary to the performance of the simple duties appertaining to the citizen. If what is termed the higher education is bestowed at the public expense the poor as well as the rich are taxed to bestow it. The children of these poor seldom go through the high school, no matter if the tuition is free, because when ready for the branches taught in it they have arrived at the age of bread-winners and must work. Those who attend the high school are as a rule (and there are few exceptions to the rule) the sons and daughters of people who are so fortunate as to be able to educate their children at private schools. The high school therefore is in fact a school only for the fortunate few while the many are taxed for its support. Drawing as it does largely from the school fund, its teachers being paid higher salaries than other teachers, the terms of the primary and intermediate schools are shortened and the State is debarred from the privilege of increasing the scholastic age. They thus keep out of the schools children under eight and over sixteen years whose education the State has made itself responsible for, and cause the government to fail to comply with the constitutional provision declaring that a term of six months shall be maintained. These are potent reasons against the maintenance of high schools but they are not more potent than the simple one first stated: "the State does not owe the child the character of education they bestow."¹

¹Baker, Benjamin M., *Fifth Biennial Report of the Superintendent of Public Instruction*, 12-13.

HOW FAR SHOULD PUBLIC FREE INSTRUCTION BE CARRIED?

This is an important inquiry. It is worthy of the careful consideration of the statesman who guides public sentiment. It should be carefully considered by the People themselves. . . .

How far should public free instruction be carried in the common schools? To what grade of advancement in studies should the State undertake to provide, as a system, for all, the advantages of Public Free Institutions?

.....

The State, with the revenues belonging to her available school fund, or with accidental revenues allowed by local taxation in school districts, should never attempt to undertake the education of the youth beyond giving them a primary education in the fundamental branches of knowledge. These branches embrace: In *Literature*—Reading, Writing, Orthography, Grammar, and the elements of Composition and State History and outlines of General History. In *Sciences*—Physical and Descriptive Geography in general lessons, Arithmetic, and the elements only of Physiology, Hygiene, Physics and Chemistry. In *Art*—No studies except what may be discussed by teachers as mere pastimes.

In referring to the Elements of Composition in the Department of Literature, the term is strictly applied. This branch, properly termed Rhetoric, should not be pursued beyond the ordinary stage at which the pupil is able to respectably communicate his thoughts in writing. Grammar should be practical—not the teaching of abstract rules. In the Department of Sciences, Descriptive Geography should be taught in grand outlines, without attempting to force on the memory as important all the minor details concerning remote regions. The county, State and government in which the pupil lives should be studied, with important outlines and characteristics of distant countries. Physical Geography should be discussed, and the scope of the science understood, without endeavor to master the details. The lessons in this branch of science, and in

Physiology and Hygiene and Chemistry and Physics should be of the most general character. The outlines of these sciences should be unfolded so that the pupils may have a clear comprehension of the scope of the subjects. No attempt at teaching details should be indulged. With this general knowledge in these branches, the pupil is prepared, with some intelligence and application, to pursue them without the aid of a master. The same remark applies to History. No teacher is necessary for a student in History. It requires only a good memory and a love of reading to master history in its detail of facts—at least for preliminary historical studies. If these two requisites are lacking, the school will never supply them. To form a philosophy of history, is a study for mature minds. It must be left with the student as to what lessons history will teach him. Ordinarily, it is a waste of time to make the mere details of history a matter of study in schools and subjects of recitation. It requires no master; and at most should be introduced only to awaken love for historical reading, and direct the mind as to what is important to retain, and how to group and classify.

The essential branches, on which the State's teachers should labor, to make the youth thorough, are Reading, Writing, Orthography, Practical Grammar and Composition with Arithmetic and General Geography. The other studies mentioned are mere incidentals to lead the pupils to know their scope and how to study them.

In laying down this syllabus of studies that should embrace the extent of State aid, and in giving to all a common free school education, it is not intended to imply that the student should cease his labors at this point. It is only insisted that here the State should cease her aid. Considering the State as a parent bird, when she has given her young nourishment and protection to this point that they all have equal strength—able to fly and seek food for themselves—sound in body, sound in mind, with natural instincts fully developed, and capacitated to soar higher, if they will strengthen their wings by practice and trial—they are ready to be pushed from the parent nest. It is not insisted that birds should not fly higher than their

parent has attempted to lead them. It is insisted that the State should cease her efforts when she leaves her youth strong and well grounded in all the fundamental branches; and that it requires only their individual exertion, growing out of natural talent, habits, tastes and application to move onward to a higher development and more complete mastery of the various departments of knowledge.

At this stage of education, of course, it will not be contended that a youth dismissed from the State schools is able to fully understand his powers or his future mission in life, or to choose his occupation or profession. He has received, however, a stimulus that is sufficient to assist him on in the direction that his natural capacities should lead him to pursue. The withdrawal of State aid does not, necessarily, deprive the student of his power to advance. If he has genius, talent, or ambition, he will find aids in every quarter to assist him when he is unable to assist himself. It requires only application, on the part of the student, and the natural disposition to acquire knowledge, and the intellectual strength to use the knowledge acquired to advantage, to make the scholar when the rudiments are once mastered.

When students are dismissed from public schools, equipped with the knowledge required to be taught, according to the syllabus laid down in this article, they are turned into the world, or into the hands of the parent and guardian. Some will pause and pursue their search for knowledge no further. Some enter business—some, already weary of the drudgery and irksomeness of study, throw away their books. Some, with the idea that with age and size they can battle with life, and require no more education, pause, or enter into active fields, as commercial men, as artisans, as farmers. They are tired of study, and eager to be independent. This class immediately enters upon work—some as farmers, some as mechanics and artisans, some in commercial life. A few out of the number have aspirations for professions, and dream in their youth of renown. They have genius, love of study—ambition. This class will move on, and will always find that with perseverance they can acquire all that

may be needed when the State has ceased her aid. True, it is, some grand minds are forced into mere physical work; and poverty, family responsibilities and other accidents, prevent them from reaching that point in intellectual vigor and acquirements that will permit them to take the high places for which their minds are fitted. Many of this class fall by the wayside for want of opportunity.

There is a profound philosophy in this theory that the State should cease her care when she has given to her youth, through the common fund contributed by all her citizens, the fundamental principles of education; and that she leaves them at this point to move for themselves, and carve out their own destinies. Were the State to go further, she would endanger the equilibrium of society, and divert her youth from their natural dispositions, habits and intellectual capacities, from falling into pursuits for which they are adapted, both by taste and actual qualifications. Let the State cease her direction at the point indicated; let the youth of the country fall into pursuits natural to it, and fill the various employments of life; and society is balanced, and no equilibrium between the classes of producers and consumers is disturbed. There will be some of the youth, who will with ambitious longings continue their studies through all difficulties; and who will seek professional life. There will always be too many of this class. The State need never fear that she will lack material that boasts that it belongs to the purely intellectual order. The truth is, there is too much intellectuality. There will be no lack of youth seeking professions, even though the State gives no aid whatever. The supply will always exceed the demand. A large number of the youth dismissed from the public schools, grasping and eager, will seek commercial pursuits. A great class will become artisans. Another great class, and the most useful of all will fall into rural pursuits and become interested in the great farming and stock raising interests of the State.

Without extending these illustrations too far, it is laid down as a plain proposition, that if the State cease her efforts, at the proper stage in her efforts to educate her youth, her youth will

drift into pursuits for which they are adapted by taste and genius; and they will fill all the varied pursuits of life; and the equilibrium in all the classes and occupations necessary to support a great, self-supporting state will be preserved.

What will be the result if the State should insist on taxing the People to support a secondary system of instruction; and should establish as a syllabus, or curriculum, for a system of high schools, and academies, in every neighborhood, that pupils should be taught the higher branches in the *sciences* and *literature* and *art* studies? And that the doors of institutions of this class should be open to all until they were able to graduate with high honors as masters of the branches in high school or academic course? The branches taught would be in LITERATURE, psychology, elocution, rhetoric, some branches of theotics, history, chronology, principals of law and government. In SCIENCES, in the department geotics at least geography, outlines of geology and mineralogy, chemistry, botany and zoology; in mathematics (*abstract*) arithmetic, geometry, algebra; (*applied*) book-keeping, mensuration and elements of surveying and astronomy; in therapeutics, at least the outlines of anatomy, physiology and hygiene in an extended course; in physics, all the departments—mechanics, hydrostatics, etc. In ARTS, drafting, with perhaps lectures in cosmics on painting, sculpture, music and poetry.

Suppose the State should open, and support by taxation, schools in every quarter teaching these branches, into which the youth of the State would pass when they receive the benefits of primary instruction; and are, according to the theory advanced, fit subjects to take care of themselves. Suppose, further, the greater part of the youth of the State enters these schools of secondary instruction, and pursues the course established, and are dismissed with all the honors they can take. Would there not be one hundred, where now there is one, who would abandon all idea of becoming artisans or tradesmen, mechanics and farmers, seeking to enter into professional life?

How many young men and women, who would otherwise have fallen into happy and useful lives, for which their genius, habits and means fitted them, would be disturbed by this forcing of

their characters by a system of secondary instruction to a disposition for pursuits strange to their natural tastes and capacities?

Let the result be examined that would come from this turning of the youth from their natural proclivities. Their would be hundreds, where there is one, trying to live by professions. Met by higher genius in these pursuits, already overcrowded, without any strain by the State, their lives would prove failures; and with their aspirations raised—too proud to work—they become tramps and vagabonds. View the worthless that crowd the cities and towns of Texas. Are they unlettered young men and young women? Quite the reverse. It will be found that they have, in general received the benefits of high school instruction, either from parents or from some State—many have passed through noted universities. They entered the struggle of life for honors—ambitious to work in vocations where hands would not be soiled. The genius was not in them. The intellectual hotbed in which they had been nurtured—these schools of secondary instruction—destroyed all natural tastes, and instead thereof produced a growth of fungus aspirations and aims that had no soil. All that was good, and all for which they were adapted, had been destroyed by those who sang to them, with Siren voice, to look higher than to the dignified occupation of artisan, farmer, stockman, mechanic or commercial life; and seek to be chiefs in the professions, or leaders in the councils of the State. They failed in their aims, both from want of genius, and from the crash of opposing masses, seeking for room in the same field of labors where were sought fame and renown.

The trampism, vagabondism, idleness, and much of the crime of the country, have arisen from this distraction of youth from entering in pursuits for which their capacities fitted them; and into which they would have willingly fallen, and thus preserved themselves for a useful and honorable life.

Let the Utopia be established, in which all the men and women are educated to the highest point in literature, science and art. A state in which all the population are equally advanced, intellectually—all capacitated to fill any position in the govern-

ment—how will that natural division be made as to who shall fill the positions of “butchers, bakers and candlestick makers, etc.?” This condition of society is, of course, impossible to embrace any great population. Some readers may, perhaps, remember the “Brook Farm” experiment that was tried by intellectual people, who were all supposed to be equal. Those who were assigned to duties, whose hands were always soft, and those whose palms became horny, were soon at war; although the functions of each were necessary for the society—yet the horny-hand felt competent to play the part of the brother whose intellect alone was engaged. Strife for position—as to who should work—was the result, and “Brook Farm” was disbanded. It was a failure.

There is some proper stopping point on which the State should halt in her endeavors to educate her youth. Taken for granted that the duty of the whole People of a State is to educate her youth, to prevent crime, induce prosperity, and give general happiness to her people—there is a limit beyond which her efforts should never extend. When she moves over this bound, she will destroy the equilibrium in the occupations of her People and disturb her government. Producers and consumers in every government must be nicely balanced. When institutions are devised that will distract and disturb the youth of the country, from following vocations that are humble, profitable and necessary and honorable, they should be overthrown.

True it is that these vocations are followed at the expense of the sweat of the brow; and their followers may not have hands as soft as the hands of the gently cared for woman. Better it is that they follow in the race in life, in vocations where they will be useful, honorable and happy, than to be failures in contending with the opposing foes who seek for soft places and renown. After all, were the happiness of mortals capable of being compared, who will assert that the worker who gains his bread, or his wealth, by brain work, is happier than he whose muscles and toil provide for his bodily want? The dignity, power and happiness in honest labor should be taught to our youth; and they should be early indoctrinated with the idea that

the State needs many occupations to keep it well balanced; and that man's chief happiness comes from his consciousness that he is filling his place well and that he is useful—doing duty to self, family and government.

Let the State stop short, in educational work, when she has given the fundamental principles to her youth. Let her pause at this point; and let her statesmen, and enthusiasts, be assured that when they advance beyond this, they are treading on dangerous ground, and will sow seeds that will rise like the teeth sown by Cadmus and destroy each other.

It is trusted this article will not be misconstrued as an argument against the education of the masses. It means that the State should cease her efforts at a certain stage. Rich and poor must be alike advanced. The rich will rise no higher were the State to attempt a system of secondary instruction—the poor will not be kept under should she refuse it. The meritorious will rise, in the future, as they have in the past. The unintellectual rich will stand where they properly belong—the preserving and intellectual poor will rise through their efforts to the places they seek. Society will stand balanced—the various occupations will be filled, and a general equilibrium of the whole social system will be preserved, if the State makes no interference beyond giving all a preliminary education as pointed out. To attempt more will be to produce disaster and disturbance greater than would exist were the State to sweep from her system all attempts at interference in the education of her People.¹

STATE SUPERINTENDENT COOPER'S VIEWS

GENERAL PRINCIPLES

VII. SCOPE OF THE SCHOOL

.....

There should be in each county a high school in which any one within the scholastic age who desired and had the ability to

¹*Texas Review*. Vol. I, 1886, 266-273.

go beyond the course of instruction in primary and grammar schools, might fit themselves for active life or for entrance into a university.

The county academy, for which provision was made by the Republic of Texas in 1839, was intended to supply this necessity. Provisions should be made for these schools, and children who are properly prepared should be admitted into them from any portion of the county in which the school is located.¹

.....

CLASSIFICATION OF THE SCHOOLS

.....

A high school should be selected or established in each county by the county commissioners court, with the approval of the county superintendent, to which any pupil of proper qualification within scholastic age, resident within the county, should be admitted free of charge. The establishment of such high schools is entirely practicable. Under the name of county academies, provisions were made for them in the laws of 1839, and in the constitutions of 1845 and 1861. It was for this purpose that four leagues of land were originally appropriated to the several counties. These county high schools or academies should be located in every case so as to be accessible to the largest number of the people of the county. Healthfulness of location, cheapness of board, the advantages of established schools and local inducements offered, should govern the location of such schools.

The course of instruction in these schools should be limited to three years, and to such subjects as are necessary to admit students to our university and its branches and to our normal schools, and to prepare them for active life. Legislative provision for the support of these schools may justly be made by authorizing the commissioners court to appropriate from the

¹*Sixth Biennial Report of the Superintendent of Public Instruction for the Scholastic Years Ending August 31, 1887, and July 1, 1888 6.*

available county school fund so much as shall be necessary to supply the schools with competent teachers. It was for this purpose that this county fund was originally created by the Republic of Texas, and its application in accordance with this purpose is not forbidden by the present constitution.¹

.....

HIGH SCHOOLS AND ACADEMIES

The high schools and academies in the state, as reported, number 147. Of these, 57 belong to the independent school districts, i. e., the city and town school corporations. From some of these, some of our most satisfactory young teachers are obtained. Their graduates are generally successful in competitive examinations for teachers' positions. Such of these as provide normal courses of study might well be encouraged in the good work of preparing teachers, by granting to them power to issue, on certain conditions, teachers' certificates. I earnestly recommend that provision be made by law for free tuition in some high school in each county for such students in the county as are shown by examination to be qualified to enter upon a high school course. If this were done we should have connecting link between the common schools and the higher institutions, a desideratum in our school system.²

¹*Ibid.*, 29.

²*Ibid.*, 33.

TO THE PEOPLE OF TEXAS

AN ADDRESS

by the

BOARD OF REGENTS OF UNIVERSITY OF TEXAS

.....

THE UNIVERSITY AND THE PUBLIC SCHOOLS

A further point in regard to the University is generally overlooked and some times so misconceived that persons who should be its warm advocates are found in opposition. The University is the keystone of the free school system. Without the University that system is a mutilated torso. The development of the schools and that of the University are independent. This was the principle laid down in the beginnings of Texas; to deny it is to assert that the gates of the higher education must be closed upon the poor, that the benefits of it must be refused them and that, save in cases where private charity or extraordinary energy make an exception, the poor must be shut out from participation in the heritage which the toil of the ages has laid up. The true interests of the public schools and of the University do not merely harmonize, they are identical. The stimulating influence which it has already exercised to their betterment and to the increase of their efficiency is great and is growing rapidly in depth and in extent. At the outset, not seeing that a system without a head must needs fail of its broadest and deepest utility and waste much of its power, many who cherish the free schools antagonize the University. If in ten years, in the teeth of opposition and assault, the University has overcome the greater part of this antagonism and mistrust and gained in its stead good will and co-operation, the beneficent and vivifying influence that in the future the University must exert will be enormous—unless it be stunted and starved in its growth by an ill-starred passimony that is at once suicidal and unworthy of a great and prospering commonwealth. By the system of affiliated High Schools, which is being developed and

extended from year to year, the *organic connection of University and schools is an accomplished fact*. Any interdiction of its growth will infallibly harm them; all promotion of its growth necessarily redounds to their expansion; improvement and normal development. The history of education establishes beyond contestation that the vital impulse always proceeds from the higher institutions and the only way truly to raise schools to their full efficiency and to keep them in this condition is through the full efficiency of the places of the highest learning. The wise friend of the free schools—he who can see beyond the immediate and beneath the surface—is of necessity the ardent champion of the University.

THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS.¹

THE STATE'S DUTY TO COMMON SCHOOLS AND THE UNIVERSITY
CONTRASTED.

When the State imparts primary instruction as a public duty, it is not done so much to extend the bounds of knowledge as to transmit that already possessed, and necessary for intelligent citizenship, to as many of the rising generation as will receive it.

But when a State establishes and endows a University, its object must be discovered in the public duty to train, for its own future use and glory, true talent wherever found among its children, to conserve civilization and stimulate to future discovery.

The mission of the common free school is to transmit that knowledge which even the most common understanding may acquire, and which every citizen, no matter what his sphere of action, should possess.

The mission of the University is to furnish and equip those minds fitted by nature to acquire it, with that learning which can only be gained with time and labor, and to sustain in each department scientific explorers after further knowledge. The

¹*To the People of Texas. An Address by the Board of Regents of University of Texas, 8.*

one prepares the average mind of every class for the ordinary duties of civil life; the other acts as a medium to transmit to the studious enquirer all in science and art that human labor has accomplished, and whose ministering priests in their studios and laboratories are working and exploring pioneers, in advance of human discovery.

.....

SCHOOLS FOR SECONDARY EDUCATION NEEDED

But every effort to popularize university education will be abortive, unless a healthy public sentiment shall build up in Texas academies and preparatory colleges, in which material for universities may be supplied. What avails it to fill our university chairs with the ablest talent in America if we require it to perform here such work only as is done in preparatory schools? And yet that is just what these learned gentlemen have been partially doing, for the want of material prepared for instruction in a university course. Academies are needed to give secondary instruction so necessary in the preparation of those who come here, and who will afterwards become controlling classes in government. For there always should be, and will be, such classes, who are managers of capital, leaders in enterprise, chiefs in civil office, teachers in art and science, and in social and mental refinement. That leaders are sometimes uncouth and unlearned only proves the general rule that educated brain controls ignorance by the very rarity of the exceptions; and the State always suffers in the end from the exceptions.

What shall it avail us to keep wide open the doors of the University for the youth of Texas if we must forever be engaged in the work of preparing them for entrance upon a university course after their arrival? It is time that zeal for education should begin to become a zeal which will direct some of its energies to building up grand furnishing schools for the reception of native talent, which now hungers unsatisfied, finding but few half-way houses between the common free school and the universities.¹

¹Terrell, Judge A. W. *Address before the Athenaeum and Rusk Societies*, June 13, 1884.

SECONDARY INSTRUCTION

HIGH SCHOOLS

Of public high schools, as such, there is no specific information for 1877, beyond the fact that a school of this class, established in 1875-'76, crowned the school system of the city of Brenham. The course of 3 years includes Virgil and Cicero in Latin, and the Anabasis, Crito, and Iliad, in Greek, with a good selection of English studies, and instruction in German throughout. Under the school laws of this State for some years past private academies, on receiving and teaching such pupils as required secondary training, have been allowed compensation out of the public school fund. Probably many schools of this kind—half private, half public—exist in the State.¹

SECONDARY INSTRUCTION

PUBLIC HIGH SCHOOLS

No estimate can be given as to the number of public schools making provision for instruction in the higher branches, but it would appear that such facilities are offered in most of the larger and in some of the smaller cities. Houston reports an enrollment of 99 in the high school there; Brenham, of 48; Denison, through the Eclectic Teacher, reports a high school class of 10 connected with her system of graded schools. The high school at Brenham provides two courses of study, a classical and a scientific, each covering 3 years.²

SECONDARY INSTRUCTION

PUBLIC HIGH SCHOOLS

Information in regard to schools of this class is even more meagre than in former years. In 1879-'80 it was known that such schools were sustained in Brenham, Denison, Houston, and San

¹*Report of the United States Commissioner of Education 1877, 246.*

²*Ibid.*, 1878, 236.

Antonio. In 1881 Weatherford reported a class in the first grade of the high school and Austin a 4-years' course, but no statistics for that grade.¹

SECONDARY INSTRUCTION

PUBLIC HIGH SCHOOLS

The State report gives no information in regard to public high schools. The city of Houston in 1882-'83, reported 1, with an enrollment of 75 pupils and an average attendance of 55 and two 4-year courses of study, a classical and a general, the former including Latin, the latter French or German. By special ordinance of the city council, in order to render high school pupils eligible to free tuition, the school age was raised from 14 to 18 years.²

ORGANIZATION OF PUBLIC HIGH SCHOOLS

Year		Enrollment
1875-76	Brenham	
1878	Brenham	48
	Houston	99
	Denison	10
1879	San Antonio	
1880	Sherman	
1881	Austin—4-year course.	
	Weatherford	
1884	El Paso	
	Fort Worth	
	Waco	
1885	Galveston—Ran to 10th grade	
	Marshall	

¹*Ibid.*, 1881. 249.

²*Ibid.*, 1883-84. 246.

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LIST OF EX-OFFICIO AND STATE SUPERINTENDENTS, AND SECRETARIES OF THE STATE BOARD.

I. State Treasurers and Ex-Officio Superintendents of Common Schools.

Elected	Appointed	Qualified	Remarks
James H. Raymond...	Aug. 7, 1854	Nov. 22, 1854	
James H. Raymond...	Aug. 4, 1856	Oct. 3, 1856	
C. H. Randolph.....	Aug. 2, 1858	Oct. 18, 1858	
C. H. Randolph.....	Aug. 6, 1860	Oct. 24, 1860	
C. H. Randolph.....	Aug. 4, 1862	Oct. 7, 1862	
C. H. Randolph.....	Aug. 1, 1864	Oct. 22, 1864	
Samuel Harris.....	Oct. 2, 1865		Appointed by Provisional Governor A. J. Hamilton.

M. H. Royston..... June 25, 1866

II. State Superintendents (under the Constitution of 1866)

Pryor Lee.....	Nov. 10, 1866		Appointed by Governor Throckmorton. Removed Aug. 27, 1867 by Gen. Griffin.
Edwin M. Wheelock...	Aug. 27, 1867	Sept. 12, 1867	Appointed by Gen. Griffin. The Constitution of 1866 provided for a superintendent, but Congress refused to accept it. The Constitutions of 1845 and 1861 made no such provision, consequently no office of the kind had legal or quasi legal existence in Texas in 1867.

(Under the Constitution of 1869)

Jacob C. DeGress.....	May 6, 1871		Appointed by Governor Davis.
O. N. Hollingsworth..	Dec. 22, 1873	Jan. 20, 1874	
Secretaries of the State Board of Education			
O. N. Hollingsworth..	1876		The office of superintendent was not retained in the Constitution of 1876.
B. M. Baker.....	1883		

(Under the State Law of 1884)

Elected	Appointed	Qualified	Remarks
B. M. Baker.....	May 6, 1884	May 6, 1884	Appointed by Governor Ireland.
B. M. Baker.....		Jan. 1, 1885	
O. H. Cooper.....		Jan. 18, 1887	
O. H. Cooper.....		Jan. 15, 1889	Resigned to take effect Sept. 1, 1890.
H. C. Pritchett.....	Aug. 25, 1890	Sept. 1, 1890	Appointed by Governor Ross.
H. C. Pritchett.....		Jan. 20, 1891	Resigned to take effect Sept. 15, 1891.
J. M. Carlisle.....	Aug. 29, 1891	Sept. 15, 1891	Appointed by Governor Hogg.
Reappointed Apr. 4, 1892, on the assembling of the Legislature and confirmed by the Senate April 8, 1892.			
J. M. Carlisle.....		Jan. 19, 1893	
J. M. Carlisle.....		Jan. 15, 1895	
J. M. Carlisle.....		Jan. 19, 1897	
J. S. Kendall.....		Jan. 10, 1899	
J. S. Kendall.....		Jan. 14, 1901	Resigned to take effect July 1, 1901.
Arthur Lefevre.....	May 15, 1901	July 2, 1901	Appointed by Governor Sayers.
Arthur Lefevre.....		Jan. 29, 1903	
R. B. Cousins.....		Jan. 12, 1905	
R. B. Cousins.....		Jan. 12, 1907	
R. B. Cousins.....		Jan. 19, 1909	Resigned to take effect Jan. 1, 1910.
F. M. Bralley.....	Nov. 10, 1909	Jan. 1, 1910	Appointed by Governor Campbell.
F. M. Bralley.....		Jan. 17, 1911	
F. M. Bralley.....		Jan. 2, 1913	Resigned to take effect Sept. 1, 1913.
W. F. Doughty.....	Aug. 13, 1913	Sept. 1, 1913	Appointed by Governor Colquitt.
W. F. Doughty.....		Jan. 19, 1915	
W. F. Doughty.....		Jan. 19, 1917	
Annie Webb Blanton..		Jan. 1, 1919	

STATISTICS

Unless otherwise stated all statistics have been taken from the Reports of the State Superintendents with little further verification. In many instances they are incomplete and often inaccurate.

GROWTH OF POPULATION IN TEXAS

Year		Per cent Increase
1847	142,009 ¹	
1850	212,592	
1860	604,215	184.2
1870	818,579	35.5
1880	1,591,749	94.5
1890	2,235,527	40.4
1900	3,048,710	36.4
1910	3,896,542	27.8
1920	4,663,228	19.7

TOTAL NUMBER OF PUBLIC SCHOOLS ORGANIZED AND MAINTAINED

Year	District Co.	Com- munity Co.	Cities and Towns
Sept. 1871	587	....	....
Dec. 1871	1324	....	....
1871-72	2067	....	....
1872-73	1874	....	....
1873-74	2129	....	....
1874-75	2924	....	....
1875-76	No statistics		
1876-77	....	3862	39
1877-78	....	4581	52
1878-79	....	6127	66
1879-80	....	5819	94
1880-81	....	3865*
1881-82	....	5113	123
1882-83	....	5048	129
1883-84	....	5678	208
1884-85	3728	3273	268
1885-86	3299	4227	315

¹Appendix to Laws passed by the Second Legislature of the State of Texas. Houston, 1848. (In office of Secretary of State.) The other statistics of population come from U. S. census reports.

Year	District Co.	Com- munity Co.	Cities and Towns
1886-87	3359	3931	254
1887-88	4052	4295	375
1888-89	4652	4276*
1889-90	4628	4437*
1890-91	5182	4145	119
1891-92	5576	3587	270
1892-93	5501	3706	364
1893-94	7736	1760	435
1894-95	7951	1928	445
1895-96	7480	2547	378
1896-97	7653	2381	455
1897-98	6918	2225	492
1898-99******
1899-00	7869	2697	526
1900-01	8909	2551	649
1901-02	9740	2444	566
1902-03	8043	2526	342
1903-04	8653	2078	381
1904-05	8828	1817	451
1905-06	7509	1789	459
1906-07	9682	877	498
1907-08	9625	875	861
1908-09	10755	....	925
1909-10	10855	....	813
1910-19***
1919-20	9384	....	1638

*No report.

**Summary not given.

AVERAGE LENGTH OF SCHOOL TERM IN DAYS

Date	City	District Cos.	Community Cos.
1871 ¹	....	85 ²	....
1873-74	....	80 ²	....
1874-75	....	78	....
1875-76	....	....	....
1876-77	....	....	60
1877-78	....	....	80
1878-79	159	....	73
1879-80	158	....	73
1880-81	....	....	79
1881-82	136.9	....	95
1882-83	179	....	80
1883-84	....	....	....
1884-85	168.2	100.8	101.5
1885-86	166.6	108.2	101
1886-87	158.4	105.8	97.4
1887-88	152.8	105.2	98.6
1888-89	147	100	96.8
1889-90	152.4	100.2	96.6
1890-91	151.2	100.2	94.4
1891-92	170.2	94	93.8
1892-93	173	97	98
1893-94	155	91.4	82.6
1894-95	144.4	83.4	70.8
1895-96	124.5	86.6	82.7
1896-97	148.2	98.4	91
1897-98	166.4	99.9	92.5
1898-99	155.7	101.5	104.7
1899-00	157.4	100	88
1900-01	162.7	98	98.8
1901-02	163	84.7	94.2
1902-03	153.5	106	98.29
1903-04	164.9	104.2	94.4
1904-05	153.5	100.8	104.1
1905-06	158.5	100.5	98.2
1906-07	155.8	102.3	116.2
1907-08	154.3	109.0	119.8 ⁴

¹April to August 31.²The law required four months attendance.³*Report of the Secretary of State of the State of Texas, 1881, 156; Message of Gov. Oran M. Roberts to the Legislature of the State of Texas (extra session) convened in Austin, June 10, 1879, 42.*⁴The Community System of organization was discontinued at this time.

Date	City	District Cos.	Community Cos.
1908-09	154	114.2	....
1909-10	160	116.5	....
1910-11	157	118	....
1911-12	151	114	....
1912-13	154	117	....
1913-14	148	115	....
1914-15	144	105	....
1915-16	146	110	....
1916-17	149	134	....
1918-19	152	126	....

DECREASE OF MALE TEACHERS

Year	Male	Per Cent of total	Female	Total
1873-74	1822	73.0	672	2494
1878-79	4022	77.7	1152	5174
1879-80	3049	71.7	1200	4249
1880-81	2525	70.7	1042	3567
1881-82	3737	75.2	1228	4965
1882-83	No statistics available			
1883-84	4326	68.8	1957	6283
1884-85	5696	69.9	2448	8144
1885-86	5975	69.1	2668	8643
1886-87	5586 ¹	69.0	2505	8091
1887-88	6377	64.2	3544	9921
1888-89	6665 ¹	62.7	3954	10619
1889-90	6642	61.0	4238	10880
1890-91	6462	59.0	4489	10951
1891-92	6037	54.7	4984	11021
1892-93	6367	53.4	5539	11906
1893-94	6563	52.6	5899	12462
1894-95	6852	52.6	6156	13008
1895-96	6815	51.5	6402	13217
1896-97	7179	51.4	6774	13953
1897-98	7279	51.4	6866	14145
1898-99	7499	50.0	7490	14989
1899-00	7347	48.9	7672	15019
1900-01	7135	46.4	8239	15374
1901-02	7051	43.8	9019	16070
1902-03	7024	42.1	9626	16650
1903-04	6613	40.4	9746	16359
1904-05	6389	38.4	10237	16626
1905-06	6311	36.4	10983	17294

¹Figures based on certificates issued.

Year	Male	Per Cent of total	Female	Total
1906-07	5878	33.4	11675	17553
1907-08	6054	31.8	12956	19010
1908-09	6350	31.0	13748	20098
1909-10	6508	30.5	14769	21277
1910-11	No statistics available			
1911-12	No statistics available			
1912-13	No statistics available			
1913-14	No statistics available			
1914-15	No statistics available			
1915-16	6559	27.8	17019	23578
1916-17	No statistics available			
1917-18	No statistics available			
1918-19	No statistics available			
1919-20	5229	18.0	23772	29001

ILLITERACY IN TEXAS¹

White Illiterates

Year	Number 20 years of age and over			Number 10 years of age and over			Cannot read and write		
	Men	Women	Total	Number	Per cent	Men	Per cent	Women	Per cent
1850	40,670	27,306	67,976	10,525	15.4	4,988	12.2	5,537	20.2
1860	106,210	75,512	181,722	18,414	10.1	8,514	8.0	9,900	13.1
1870	.....	.....	.....	70,895	...	35,820	...	35,075	...

Illiterates 10 years and over

Years.	All classes.	Per cent	Native Parentage—Mixed Parentage			Per cent	Foreign Whites	Per cent
			Native Parentage	Mixed Parentage	Per cent			
1880	316,432	29.7	97,498	89,829	13.9	26,414	24.7	
1890	308,873	19.7			8.3	42,560	29.6	
1900	314,018	14.5	70,006	5.1	25,000	13.2	51,481	30.3
1910	282,904	9.9	60,881	3.3	29,710	11.6	67,295	30.0
1920	295,844	8.3	50,424	2.2	30,219	9.4	112,417	33.8

¹From the U. S. Census reports.

Free Colored

Year	Number 20 years of age and over		Cannot read and write				Total	
	Male	Female	Male	Per cent	Female	Per cent	Illiterate	Per cent
1850	103	90	34	33.0	24	26.6	58	30.0
1860	78	85	25	32.0	37	43.5	62	38.0
1870	.....	.....	74,628	.....	75,989	.....	.....	.....
1880	127,470	127,795	94,469	74.1	98,051	76.7	192,520	75.4
1890	.....	.....	.....	.....	.....	.....	176,484	52.5
1900	.....	.....	.....	.....	.....	.....	167,138	38.2
1910	253,442	253,647	62,579	24.7	62,039	24.5	124,618	24.6
1920	287,320	285,399	53,753	18.7	48,300	16.9	102,053	17.8

Cannot write
Colored Illiterates 10 years and over

UNITED STATES CENSUS REPORTS
On Texas Education

Year	Number	Teachers	Pupils	Endowment	Income			Total
					Taxation	Public funds	Other sources	
1850	2	7	165	\$ 0	\$ 0	\$ 1,000	\$ 1,000	
1860	25	107	2,416	8,000	915	2,707	95,072	
1870	13	57	800	400	.....	14,750	33,550
II. Public Schools								
1850	349	360	7,946	0	0	44,088	44,088	
1860	1,218	1,274	34,611	6,743	15,847	58,394	414,168	
1870	No statistics							
III. Academies and Private Schools and Total in All Schools, etc.								
1850	99	137	3,449	..	.....	.....	39,384
1860	97	236	5,916	..	1,947	6,559	142,134	
1870	535	649	22,276	367	.....	480	380,490

TOTAL ATTENDING SCHOOL DURING THE YEAR

Year	—Whites—			Free Colored		
	Male	Female	Total	Male	Female	Total
1850	10,570	8,799	19,369	11	9	20
1860	33,989	29,625	63,614	4	7	11
1870	31,598	29,412	65,205	58	37	95

LOCAL TAXATION FOR MAINTENANCE

Year.	County Districts		Cities and Towns		Totals
	No.	Amount	% Inc. No.	Amount	Amount
1873-74	..	\$ 39,729.26 ¹	..	..	.....
1874-75	..	244,879.00	..	..	.....
1875-84	(No local taxation)				
1884-85	18	58,485.62	..	51 \$ 206,532.88	\$ 265,018.50
1885-86	24	18,296.37	..	49 221,706.47	240,002.84
1886-87	37	26,869.42	..	51 219,700.45	246,569.87
1887-88	56	48,278.56	..	70 259,266.89	307,545.45
1888-89	334,040.97
1889-90	377,147.28
1890-91	469,392.23
1891-92	632,190.81
1892-93	662,871.65
1893-94	..	194,857.61	..	.. 569,606.74	764,464.35
1894-95	..	207,419.60	..	.. 584,291.42	791,711.02
1895-96
1896-97
1897-98	897,669.44
1898-99	934,347.04
1899-00	975,576.68
1900-01	1,089,696.80
1901-02	1,233,513.85
1902-03	..	380,373.84	..	.. 944,419.25	1,324,793.09
1903-04	..	419,840.10	..	.. 1,022,219.10	1,441,960.05
1904-05	..	444,695.93	..	.. 1,216,696.22	1,661,392.15
1905-06	..	479,872.36	7	.. 1,385,767.84	1,865,640.20
1906-07	..	533,045.71	11	.. 1,547,113.23	2,080,158.94
1907-08	..	645,593.71	21	.. 1,979,072.24	2,624,665.95
1908-09	..	874,056.84	35	.. 2,224,587.78	3,098,644.62
1909-10	..	1,124,917.21	28	.. 2,523,275.40	3,648,192.61
1915-16	6,990,407.28
1916-17	..	2,703,019.56	..	.. 5,173,391.21	7,876,410.77
1919-20	9,718,860.24

DISTRICTS VOTING LOCAL TAX

Year	No. Common School Distrs.	No. Voting Maintenance Tax	No. Voting Building Tax	No. Ind. Districts	No. Voting Maintenance Tax	No. Voting Building Tax
1904-05	6562	2016	...	451	343	...
1905-06	6131	2217	...	451	329	254
1906-07	6910	2625	32	498	378	314
1907-08	6321	2854	161	499	434	367
1908-09	7516	3115	272	618	492	359
1909-10	7796	3884	311	702	...	...

¹Estimated.

PUBLIC SCHOOL LIBRARIES

Year	District Libraries	Cos. Books	Community Libraries	Cos. Books	City Schools Libraries	Schools Books
1860 ¹	...	.....	147	86,538	...	.....
1873-74	..	1,100				
1886-87	No statistics					
1887-88	5	302	0	0	54	9,236
1888-89	13	2,233	14	1,720	58	10,184
1889-90	10	1,191	19	847	74	14,070
1890-91	45	1,448	6	539	95	20,098
1891-92	...	2,121	...	4,481	101	23,566
1892-93	...	3,473	...	3,189	141	29,270
1893-94	No statistics					
1894-95	221	6,225	33	1,646	197	38,668
1895-96	No statistics					
1896-97	No statistics					
1897-98	86	5,921	17	878	223	55,891
1898-99	No statistics					
1899-00	No statistics					
1900-01	141	11,107	30	2,491	279	76,737
1901-02	167	19,802	56	3,394	307	85,228
1902-03	178	18,245	11	748	355	96,441
1903-04	313	30,260	38	2,638	385	100,947
1904-05	504	42,700	28	1,693	406	121,720
1905-06	515	37,865	32	1,726	449	118,638
1906-07	599	47,140	15	1,093	481	148,729
1907-08	755	51,058	31	2,160	424	173,508
1908-09	938	58,277	0	0	627	180,949
1909-10	1311	68,750	0	0	667	198,929
1910-11	No statistics					
1911-12	No statistics					
1912-13	No statistics					
1913-14	No statistics					
1914-15	No statistics					

Year	Total No. of Libraries	Vols. Bought During Year.	Total No. Volumes
1915-16	6,679	466,340	630,407
1916-17	....	634,988	1,101,328
1917-18	8,854	.....	.....

¹U. S. census.

DISTRIBUTION OF THE AVAILABLE SCHOOL FUND.

Year	Scholastic Population	Total Amount of Distribution	Per Capita
1854	65463 ¹	\$ 40,587.06	\$.65
1854-55	66,150	100,607.91	1.05
1855-56	72,826	101,588.08	1.38
1856-57	86,799	105,026.79	1.21
1857-58	102,772	105,855.00	1.03
1858-59	101,031	113,154.00	1.12½
1859-60	104,447	104,447.00	1.00
1860-61	105,200	65,224.00	.62

"Since 1861 no disbursements for schools have been made from the treasury," wrote Supt. Wheelock, in *Report to Constitutional Convention*, May 30, 1868.

COMPARATIVE TABLE SHOWING THE ANNUAL NET
EXPENDITURES OF SCHOOL FUNDS OF THE
STATE OF TEXAS FROM 1871

Year (Sept. 1 to Aug. 31.)	Amount ²
1871-72	.....\$ 739,894.43
1872-73	..... 343,645.58
1873-74	..... 968,198.28
1874-75	..... 723,052.00
1875-76	No statistics
1876-77	..... 501,691.00
1877-78	..... 747,534.00
1878-79	..... 941,404.00
1879-80	..... 753,346.00
1880-81	..... 525,630.79
1881-82	..... 803,849.12
1882-83	(estimated). 1,168,629.89
1883-84	(estimated). 1,557,172.23
1884-85	..... 1,945,714.58
1885-86	..... 2,166,632.58
1886-87	..... 2,016,744.99
1887-88	..... 2,752,332.47
1888-89	..... 3,058,971.10

¹Report of Ex-officio State Superintendent gives total of 147,666. See *Relacion del Tesorero del Estado de Texas*. November, 1855, 35. His figures, however, amount to only 68,666. Figures for 1855, as given by Treasurer, 138,954; by actual count, 56,401.

²These amounts were paid out of State and county available fund and local maintenance fund, and do not show the net expenditures for all purposes.

COMPARATIVE TABLE SHOWING THE ANNUAL NET
EXPENDITURES OF SCHOOL FUNDS OF THE
STATE OF TEXAS FROM 1871—Continued.

Year (Sept. 1 to Aug. 31.)	Amount
1889-90	3,178,299.96
1890-91	3,596,059.15
1891-92	3,906,526.92
1892-93	4,034,813.51
1893-94	3,591,325.92
1894-95	3,624,823.20
1895-96	3,979,260.29
1896-97	4,324,885.48
1897-98	4,291,836.28
1898-99	4,485,291.93
1899-00	4,469,014.34
1900-01	4,914,631.56
1901-02	5,223,551.60
1902-03	4,034,813.51
1903-04	6,279,689.17
1904-05	6,604,602.45
1905-06	7,160,905.38
1906-07	7,644,786.95
1907-08	8,448,697.95
1908-09	9,668,010.81
1909-10	10,573,675.76
1910-15	No statistics
1915-16	16,559,207.76
1916-17	18,753,991.34
1919-20	25,185,550.31

SCHOLASTIC POPULATION AND APPORTIONMENT

Years ending August 31	State school age	Scholastic population			Apportionment		Percentage of increase of school population	Enrollment in public schools of pupils of school age
		White	Colored	Total	Per capita	Total		
1872				228,355	1.81	\$ 405,518.00		127,672
1873				269,451	1.95	612,878.00		129,542
1874	8-14			313,061	1.59	497,767.00		(Inst.) 161,670
1875	8-14			340,009	1.47	499,800.00	16	124,547
1876	8-14			154,537	2.82	479,400.00	8%	133,568
1877	8-14	116,778	37,742	168,291	4.70	757,323.00	*	146,814
1878				208,324	4.25	869,474.00	15	192,651
1879				230,527	3.00	679,317.00	10%	186,783
1880				291,871	3.00	785,613.00	13%	107,199
1881	8-14	193,974	37,897	266,701	3.25	930,000.00	1.8	177,562
1882	8-14	197,372	69,337	266,701	3.61	1,008,323.00	10%	183,849
1883	8-14	191,484	56,023	255,457	4.50	1,339,873.00	5%	204,749
1884	8-14			311,134	4.50	1,008,323.00	30	306,843
1885	8-16	298,631	108,301	406,932	5.00	2,034,100.00	11	350,370
1886	8-16	336,737	105,941	452,678	5.20	2,353,925.00	8	300,546
1887	8-16	365,353	124,412	489,765	4.75	2,326,736.00	4	304,741
1888	8-16	377,378	180,560	557,938	4.30	2,285,453.00	3.6	378,757
1889	8-16	382,926	135,184	528,110	4.00	2,112,440.00	3	370,000
1890	8-16	405,677	139,939	545,616	4.50	2,182,464.00	3.3	443,885
1891	8-16	422,780	142,892	565,672	4.50	2,345,354.00	3%	449,192
1892	8-16	436,341	147,494	583,835	4.50	2,627,257.00	3%	484,396
1893	8-16	453,810	151,685	605,495	5.00	3,027,475.00	3.7	515,328
1894	8-17	472,963	157,340	630,303	4.50	2,836,363.00	4	519,151
1895	8-17	526,101	167,651	693,752	3.50	2,945,271.00	3%	536,034
1896	8-17	547,570	171,697	719,267	3.50	2,915,271.00	4%	536,856
1897	8-17	572,063	179,948	752,011	4.00	3,008,164.00	3.3	562,272
1898	8-17	590,115	187,316	777,431	4.50	3,186,562.00	†	552,501
1899	8-17	547,217	160,998	708,125	4.50	3,002,820.00	†	578,418
1900	8-17	547,479	159,007	706,486	4.25	3,468,780.00	3.2	671,889
1901	8-17	564,500	164,717	729,217	4.75	3,312,971.00	1%	613,323
1902	8-17	574,513	165,167	739,573	5.00	3,796,740.00	2%	722,901
1903	8-17	590,959	168,402	759,363	5.00	3,859,830.00	2.5%	694,708
1904	8-17	601,388	166,588	767,976	5.00	3,913,465.00	2	705,300
1905	8-17	614,229	168,464	782,693	5.00	4,133,043.75	2	
1906	8-17	627,081	171,359	798,440	5.25			

*Decrease.

†Decrease 8% per cent., because of revision of census law.

‡A continued decrease, because of a more accurate census.

SCHOOLASTIC POPULATION AND APPORTIONMENT—Continued.

Years ending August 31	State school age	Scholastic population		Apportionment		Percentage of increase of school population	Enrollment in public schools of pupils of school age
		White	Colored	Total	Per capita			Total
1907	7-17	686,900	182,934	869,834	5.00	4,319,320.00	730,893
1908	7-17	708,968	184,475	893,441	6.00	5,340,646.00	734,583
1909	7-17	727,237	187,371	914,628	6.75	6,173,739.00	770,783
1910	7-17	756,770	192,236	949,006	6.25	5,931,287.50	821,631
1910-11	7-17	---	963,267	963,267	6.30	6,293,748.50	---
1911-12	7-17	---	991,477	991,477	6.80	6,741,581.20	---
1912-13	7-17	---	1,017,133	1,017,133	6.85	6,967,331.05	---
1913-14	7-17	---	1,048,570	1,048,570	7.00	7,339,990.00	---
1914-15	7-17	---	1,093,477	1,093,477	8.00	8,771,736.00	---
1915-16	7-17	---	1,129,152	1,129,152	6.00	6,775,836.00	---
1916-17	7-17	---	1,223,217	1,223,217	7.00	8,562,533.00	---
1917-18	7-17	---	1,292,219	1,292,219	7.50	9,241,642.50	---
1918-19	7-17	---	1,215,567	1,215,567	7.50	9,116,752.50	---
1919-20	7-17	---	1,233,861	1,233,861	8.50	10,487,810.00	---
1920-21	7-17	---	1,271,281	1,271,281	14.50	18,427,863.00	---

SCHOOL BUILDINGS

Year	Number built during year		Value of buildings built during year		Total expended during year	Number buildings owned by State	Total value of all school property
	Districts Counties	Community Counties	Districts Counties	Community Counties			
1871-72							
1872-73					78,815.00		
1873-74	89				44,063.29		
1874-75	158				25,059.00	1,007	\$ 102,895.00
1875-76	*				43,339.00		
1876-77	159						
1877-78	243				54,267.00		
1878-79					34,913.00		
1879-80							
1880-81		108		\$ 10,518.72			
1881-82		184		15,653.79		1,051	
1882-83						1,441	
1883-84						1,841	
1884-85	322		109,642.23			2,844	
1885-86	30		96,749.98		71,107.51	2,255	
1886-87	257		77,293.60		133,240.01	3,571	2,895,281.02
1887-88	325		89,792.59		159,717.50	2,930	3,296,310.34
1888-89	149		87,770.60	40,303.51		2,636	3,842,250.77
1889-90	270		127,237.68	22,783.40			4,571,044.36
1890-91	250		102,434.83	37,411.20			5,343,142.93
1891-92	32						
1892-93	239	104	105,818.86	21,501.67	127,320.53		
1893-94							
1894-95							
1895-96	182	38	77,206.46	11,959.00	391,142.46	6,377	6,937,011.05
1896-97							
1897-98							
1898-99							
1899-00	130	119	405,742.00	8,080.00	152,687.00	8,022	9,166,550.00
1900-01	237	31	90,233.00	7,422.00	160,775.00	7,996	8,611,632.00
1901-02	251	43	120,188.00	25,533.00	370,300.00	8,827	9,288,557.00
1902-03	218	23	100,095.00	5,735.00	430,709.00	9,323	10,137,097.00
1903-04	206	31	78,419.00	13,920.00	504,123.00	9,672	11,590,675.00
1904-05	244	15	116,924.00	6,555.00	525,931.00	9,729	11,870,754.00
1905-06	210	9	138,229.50	6,120.00	369,344.30	10,681	13,289,289.43
1906-07	245	7	184,542.00	1,750.00	1,011,867.00	10,187	15,178,078.00
1907-08	341		208,622.83	6,493.00	1,198,199.00	10,046	17,369,333.87
1908-09	338		336,019.23		930,774.34	10,750	19,256,579.00
1909-10	643	127	878,997.00		2,578,680.00	11,008	23,247,340.00
1910-11					2,755,387.34	13,232	45,649,878.94
1911-12							
1912-13							
1913-14							
1914-15							
1915-16							
1916-17							
1917-18							
1918-19							
1919-20	510	104				10,314	72,824,694.00

*State changed from district to community system.

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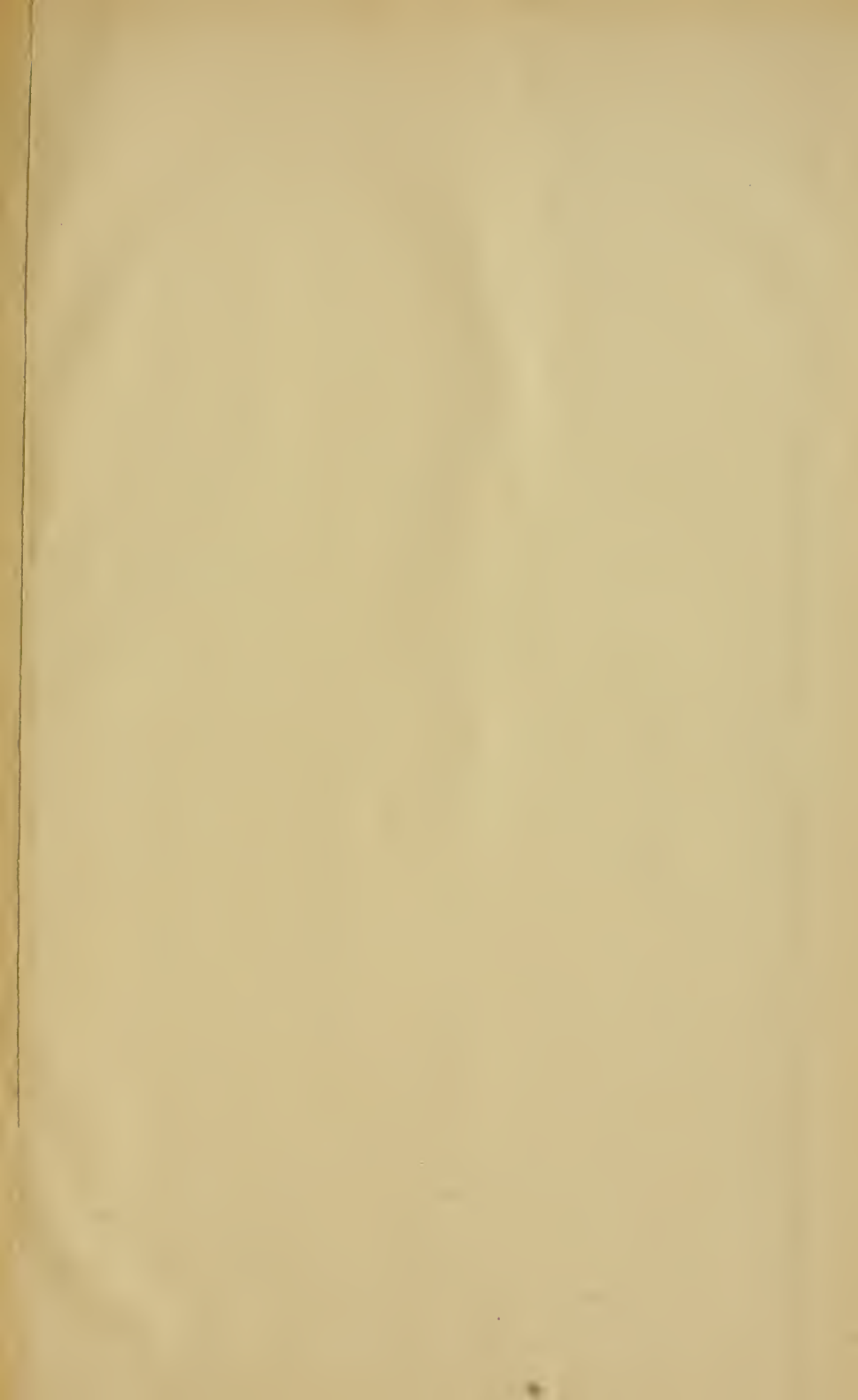
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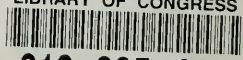








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